

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -
5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :
8 -----

9 : CASE NO.
10 THIS DOCUMENT : 1:17-MD-2804
11 RELATES TO ALL CASES:
12 : Hon. Dan A.
13 : Polster
14 - - -

15 Thursday March 14, 2019
16 - - -

17 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
18 CONFIDENTIALITY REVIEW
19 - - -

20 Videotaped deposition of
21 ALAN MUST, taken pursuant to notice, was
22 held at Dechert LLP, 1095 Avenue of the
23 Americas, 27th Floor, New York, New York,
24 10036, beginning at 8:36 a.m., on the
25 above date, before Amanda Dee
26 Maslynsky-Miller, a Certified Realtime
27 Reporter.
28 - - -

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23 Henry Marte, Videographer

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5 Testimony of: ALAN MUST

6 By Mr. Crueger

12, 212

By Mr. Snapp

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E X H I B I T S

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11

NO.

DESCRIPTION

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Purdue-Must
Exhibit-1

Amended Notice of Deposition
Pursuant to Rule 30(b)(6)
And Document Requests
Pursuant to Rule 30(b)(2)
And Rule 34 to Defendants
Purdue Pharma LP, Purdue
Pharma, Inc., and The
Purdue Frederick Company

17

17

Purdue-Must
Exhibit-2
Purdue-Must
Exhibit-3

SFC00000001

24

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No Bates
Reading This Could
Help Ease Your Pain,
Pain Action Guide

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Purdue-Must
Exhibit-4

No Bates
Pain Foundation Website
Screen Shot

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DEPOSITION SUPPORT INDEX

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None

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(It is hereby stipulated and agreed by and among counsel that sealing, filing and certification are waived; and that all objections, except as to the form of the question, will be reserved until the time of trial.)

VIDEO TECHNICIAN: We are now on the record. My name is Henry Marte, I'm a videographer with Golkow Litigation Services. Today's date is March 14th, 2019, and the time is 8:36 a.m.

This videotape deposition is being held at 1095 Avenue of the Americas, New York, New York, in the matter of National Prescription Opiate Litigation. The deponent today is Mr. Alan Must. All appearances are noted on stenographic record.

Will the court reporter

1 please administer the oath to the
2 witness?

3 - - -

4 ALAN MUST, after having been
5 duly sworn, was examined and
6 testified as follows:

7 - - -

8 MR. SNAPP: Before we get
9 started, I just want to confirm
10 that everyone present in the room
11 and on the phone agrees to be
12 bound by the MDL confidentiality
13 protective order.

14 If that's not the case,
15 please speak up now.

16 Hearing nothing, please go
17 ahead, Chuck. Thanks.

18 - - -

19 EXAMINATION

20 - - -

21 BY MR. CRUEGER:

22 Q. Good morning.

23 A. Good morning.

24 Q. So my name is Chuck Crueger.

1 Have you been deposed
2 before?

3 A. I have been.

4 Q. How many times?

5 A. I guess three times.

6 Q. And were those personal or
7 work related?

8 A. They were all work related.

9 Q. While you were at Purdue?

10 A. Yes, sir.

11 Q. While the rules for the
12 deposition are -- probably haven't
13 changed much since you were deposed
14 last -- when were you deposed last, by
15 the way?

16 A. Most recently?

17 Q. Yes.

18 A. Last week.

19 Q. As part of this case?

20 A. As part of a case that deals
21 with the State of Oklahoma.

22 Q. Where did that deposition
23 take place?

24 A. Oklahoma City.

1 Q. Well, again, the rules
2 haven't changed. I'm just going to ask
3 you questions. If you don't understand,
4 please tell me, and I'll clarify.

5 Is that fair enough?

6 A. Yes, sir.

7 Q. So you work at Purdue?

8 A. I do.

9 Q. When did you start?

10 A. I was hired into Purdue in
11 February of 2001.

12 Q. And when you were hired,
13 what was your job?

14 A. Originally, I was hired as
15 the director of State Government Affairs.

16 Q. And what do you do now?

17 A. Currently, I am the vice
18 president of Government Affairs.

19 Q. And what does that mean in
20 English?

21 A. So for the majority of my
22 career at Purdue, I've been involved in
23 State Government Affairs activities. So
24 dealing with state legislative and

1 regulatory issues, dealing with state
2 agencies.

3 In July of last year, I then
4 expanded my responsibilities to include
5 federal government, as well with state
6 government.

7 Actually, let me correct
8 that, it was July of 2017.

9 Q. Time does fly.

10 Does any of your dealings in
11 state legislatures include Ohio?

12 A. It does.

13 Q. What kind of work did you do
14 in Ohio?

15 A. Again, I'm responsible for
16 all 50 states. So at different times
17 during the course of time between 2001
18 and present, I may have been in Ohio
19 myself, or I had retained counsel or
20 somebody working for me that was working
21 in Ohio.

22 Q. And did you work on any
23 legislation, while you were at Purdue,
24 that pertained to pain in Ohio?

1 A. I worked on legislation that
2 pertained to the prescribing of opioids,
3 yes.

4 Q. Which -- what legislation
5 was that? Just one law or multiple?

6 A. The main one that we worked
7 on in the State of Ohio was a piece of
8 legislation that ultimately passed and
9 was put into effect.

10 And that was to put in place
11 the -- what's called the OARS program
12 currently, O-A-R-S. In common speak,
13 it's the state prescription drug
14 monitoring program. And the purpose of
15 that, at that time, was to have a system
16 put into place in the state that would
17 collect all of the data of the dispensing
18 of controlled substances and provide a
19 database that prescribers could then
20 go -- and appropriately-identified
21 regulators could go into and look at the
22 prescribing histories, at that time, to
23 try to address the issues around doctor
24 shopping and appropriately prescribing

1 opioids.

2 Q. Any other legislation you
3 worked on for Ohio?

4 A. I don't think we actively
5 worked on any other pieces of legislation
6 in Ohio that I can recall.

7 Q. So in order to both speed
8 things up and make things a little
9 easier, given the width of the table, I
10 have a stack of exhibits that are
11 somewhere in front of you that are
12 already marked.

13 A. Okay.

14 Q. If you can just take
15 Exhibit-1, it's the notice of deposition.

16 - - -

17 (Whereupon, Purdue-Must
18 Exhibit-1, Amended Notice of
19 Deposition Pursuant to Rule
20 30(b)(6) and Document Requests
21 Pursuant to Rule 30(b)(2) and Rule
22 34 to Defendants Purdue Pharma LP,
23 Purdue Pharma, Inc., and The
24 Purdue Frederick Company, was

1 marked for identification.)

2 - - -

3 THE WITNESS: Yes, sir.

4 BY MR. CRUEGER:

5 Q. You have seen this before?

6 A. I have.

7 Q. You understand that you have
8 been designated as a representative of
9 Purdue in this deposition?

10 A. I am.

11 Q. And you have been
12 designated, I believe, on Topics 11, 20,
13 22, 23, 24, and 37, correct?

14 A. Correct.

15 Q. You're referring to a paper.
16 What are you referring to?

17 A. I've got a document to help
18 me to remember a variety of different
19 issues.

20 MR. SNAPP: Just to clarify
21 the record, he was -- on Topic 22,
22 he's only been designated for part
23 of that topic.

24 MR. CRUEGER: Okay.

1 MR. SNAPP: That was as
2 stated in our responses.

3 BY MR. CRUEGER:

4 Q. So you were going to
5 explain, what is the paper that you're
6 referring to?

7 A. This is just a -- it informs
8 me of the topics that I was to be deposed
9 on. It's listed on the top of the sheet.

10 Q. And you've brought other
11 documents with you?

12 A. I did, yes.

13 Q. What are those documents?

14 A. The first document is my
15 resume with my work history.

16 The second document is a
17 reminder of the various sources of
18 information that I looked at in
19 preparation for this, as well as the list
20 of questions that I was going to be -- or
21 the topics that I was going to be deposed
22 on.

23 And the third document is a
24 document that was put together, that we

1 put together, on the financials of
2 various organizations and the funds that
3 we provided for them.

4 Q. So you understand, as a
5 representative of Purdue, you're not here
6 just to testify about your own personal
7 knowledge, correct?

8 A. I am.

9 Q. And you kind of referenced
10 that you have a sheet that has some
11 information on it.

12 You know, what did you do to
13 prepare?

14 A. Correct. So we had quite a
15 few hours of preparation where we looked
16 at documents that were pertinent to these
17 specific topics and reviewed those
18 documents in anticipation of the
19 deposition today.

20 Q. Apart from your attorneys,
21 did you talk with anyone else at Purdue
22 about these topics to prepare?

23 A. I did not talk to anybody,
24 without my attorneys present, on these

1 matters.

2 Q. But who did you talk to, to
3 prepare for this deposition?

4 A. So the one document that I
5 have has a list of those individuals that
6 we had spoken with in preparation for the
7 deposition today.

8 Q. And who are those
9 individuals?

10 A. So the individuals listed
11 here under the sources of information are
12 Brian Rosen -- do you want to know who
13 they are or just the names?

14 MR. SNAPP: Burt Rosen.

15 THE WITNESS: I'm sorry,
16 Burt Rosen.

17 We have too many Rosens in
18 our company.

19 MR. CRUEGER: We can just --
20 can we make a copy of that?

21 MR. SNAPP: Absolutely. We
22 have copies for you.

23 - - -

24 (Whereupon, a discussion off

1 the record occurred.)

2 - - -

3 MR. SNAPP: Would you like a
4 copy of Mr. Must's resume as well,
5 Chuck?

6 MR. CRUEGER: Not right now.
7 Thank you.

8 BY MR. CRUEGER:

9 Q. So the sources of
10 information, that's who you --

11 A. Yes. So I misidentified
12 Burt Rosen as Brian Rosen.

13 Burt Rosen is our vice
14 president of federal government affairs
15 in Washington, D.C.

16 Q. And you also spoke with
17 Pamela Bennett?

18 A. Pamela Bennett was the head
19 of our advocacy department for a number
20 of years.

21 Q. And you spoke with Bob --

22 A. Josephson.

23 Bob Josephson works in the
24 corporate communication department.

1 And Josie Martin is the
2 executive vice president of corporate
3 communication that Bob reports to.

4 Q. And what are the government
5 affair files and public affair files?

6 A. So over the course of time,
7 this expansive time, the organization has
8 changed, in terms of structure. So at
9 some points, there was a government
10 affairs department that was a standalone
11 department; at other times, they may have
12 been part of a group called external
13 affairs that was part of the public
14 affairs department or the corporate
15 communications, as it's now called.

16 Q. And I assume all the
17 documents that you reviewed were produced
18 in this litigation?

19 MR. SNAPP: That's correct.

20 I can speak to that. I don't
21 think Mr. Must would know that.

22 But I can tell you that they have
23 been produced, yes.

24 BY MR. CRUEGER:

1 Q. And are you able to identify
2 which of those documents in the
3 government affair files and public affair
4 files that you -- that you reviewed?

5 A. I would not be able to
6 identify them at this time, no.

7 Q. So let's look at Exhibit-2.

8 - - -

9 (Whereupon, Purdue-Must
10 Exhibit-2, SFC00000001, was marked
11 for identification.)

12 - - -

13 BY MR. CRUEGER:

14 Q. And you also said that --
15 you're going to need your reading glasses
16 for this.

17 You also said that you had a
18 spreadsheet that you had put together.

19 A. I do.

20 MR. SNAPP: Would you like
21 copies, Chuck?

22 MR. CRUEGER: Yes, that
23 would be great.

24 BY MR. CRUEGER:

1 Q. So let's look at Exhibit-2.
2 Have you seen this document
3 before?

4 A. So reading from the
5 document, it appears to be the
6 information that was provided for the
7 Senate Finance Committee -- pardon me --
8 in 2012.

9 Q. And your spreadsheet, I'm
10 going to label that Exhibit-12, because
11 that's about where we're at.

12 - - -
13 (Whereupon, Purdue-Must
14 Exhibit-12, No Bates, Payment
15 Spreadsheet, was marked for
16 identification.)

17 - - -
18 MR. CRUEGER: Can you give
19 this to him as Exhibit-12?

20 BY MR. CRUEGER:

21 Q. So the exhibit that I've put
22 together as Exhibit-12, that's the
23 spreadsheet that you brought with you
24 today?

1 A. Yes, sir.

2 Q. And did you put together
3 this information or did someone put it
4 together for you?

5 A. Together with myself and our
6 attorneys, utilizing internal financial
7 systems, which are listed on the third
8 page of this, the Oracle payment data,
9 which dates back to 1995 and goes through
10 the time period of 2001.

11 Subsequent to that, we
12 changed our system into the SAP payment
13 system. So from 2002 to late 2018, we
14 utilized that system.

15 And then we also looked at
16 our internal credit card reporting to see
17 if there were any items in there, based
18 on this list.

19 And then we also used the
20 information that was provided to the
21 Senate Finance Committee in 2012 as part
22 of this list.

23 Q. And so just looking at --
24 I'm going to stick with Exhibit-2.

1 So if you see, the first one
2 is American Pain Foundation, correct?

3 A. Yes, sir.

4 Q. And it says that you gave
5 about -- that Purdue provided about \$3.6
6 million to the American Pain Foundation?

7 A. Yes, sir.

8 Q. And these different groups,
9 like the AAPM, the American Academy of
10 Pain Medicine --

11 A. Yes, sir.

12 Q. -- that's about \$2.2
13 million, through 2012, correct?

14 A. Right. From 1997 to 2012.

15 Q. And if I wanted to see what
16 else was -- Purdue gave to the American
17 Academy of Pain Medicine, I would look at
18 your spreadsheet that you brought,
19 Exhibit-12, right?

20 A. Our document goes beyond
21 2012.

22 Q. It goes up to 2018, correct?

23 A. Correct. Yes, sir.

24 Q. Were there any entries --

1 any money given to any of these entities
2 that are on your Exhibit-12, or even
3 Exhibit-2, in 2019?

4 A. To the best of my knowledge,
5 no, sir.

6 Q. So the next one on Exhibit-2
7 is the American Pain Society.

8 And that's about \$3 million,
9 correct, through 2012, right?

10 Sorry, \$500,000. Sorry.

11 No, about \$3 million through
12 2012. Sorry, the print is small.

13 A. Based on Exhibit-2?

14 Q. Yes, still on Exhibit-2.

15 A. Yes.

16 MR. SNAPP: Just so the
17 record is clear, I think you -- I
18 was looking at the transcript.

19 For American Academy of Pain
20 Medicine, the transcript says that
21 you said \$2.2 million. I think
22 you meant \$2 million.

23 MR. CRUEGER: \$2 million,
24 sorry.

1 MR. SNAPP: Thank you.

2 BY MR. CRUEGER:

3 Q. So there's other entities
4 listed on this Exhibit-2.

5 There's the Pain and Policy
6 Studies Group, correct?

7 A. Yes, sir.

8 Q. And it doesn't look like,
9 according to your records, that Purdue
10 has given any money to the Pain and
11 Policy Studies Group since 2011, correct?

12 A. That is correct.

13 Q. And there's the -- what's
14 referred to as JCAHO, correct, the Joint
15 Commission on Accreditation of Healthcare
16 Organizations?

17 A. Yes, sir.

18 Q. And it doesn't show that
19 Purdue has provided any money to them
20 since 2002, correct?

21 A. That is correct.

22 Q. And the Federation of State
23 Medical Boards, which is on Page 2 of
24 your Exhibit-12.

1 So it doesn't look like
2 Purdue has provided any money to the FSMB
3 since 2012, correct? Or, actually, since
4 2007, correct?

5 A. That is correct.

6 Q. And then you also list some
7 individuals?

8 A. Yes, sir.

9 Q. Such as Russel Portnoy?

10 A. Yes, sir.

11 Q. And so apart from the one
12 payment of \$4,500 in 2010, there's been
13 no other money paid to Mr. Portnoy?

14 A. Yes, sir. That's correct.

15 Q. Why did Purdue pay that
16 money to Mr. Portnoy?

17 MR. SNAPP: I'm sorry, just,
18 I want the record to be clear,
19 Chuck.

20 There are -- Portnoy is up
21 here. Andy is down here.

22 MR. CRUEGER: Oh, I see how
23 you did it.

24 MR. SNAPP: We were trying

1 to save some trees. I apologize.
2 I just want to make sure that the
3 record is clear.

4 MR. CRUEGER: I've been used
5 to going where you're spreading it
6 over multiple pages.

7 BY MR. CRUEGER:

8 Q. So the last payment was in
9 2010, correct, to Mr. Portnoy?

10 A. Yes, sir. That's correct.

11 Q. And the first payment on
12 this starts in 1995, correct?

13 A. That's correct.

14 Q. Do you know why Purdue paid
15 this amount of money to Mr. Portnoy?

16 A. It's my understanding that
17 Mr. Portnoy did some consulting, as well
18 as some speaking engagements.

19 Q. When you mean --
20 "consulting," what does that mean?

21 A. I'm not entirely sure of the
22 content of the consulting that he did.
23 But I understand that he did consulting
24 with the company.

1 Q. Same with Mr. Scott Fishman,
2 it shows payments, if I'm reading this
3 right, from '97 through 2000.

4 And I don't believe anything
5 afterwards, correct?

6 A. That's correct.

7 Q. And then Dr. Lynn Webster
8 shows payments starting in 2004, correct?

9 A. Yes, sir.

10 Q. And it shows that Purdue
11 paid Dr. Webster approximately \$245,000
12 in 2004, about \$1 million in 2005.

13 Do you know what those two
14 payments are for?

15 A. My understanding is, again,
16 Dr. Webster did some consulting, as well
17 as some clinical research in his
18 facilities in Utah.

19 Q. Clinical research for
20 Purdue?

21 A. Correct.

22 Q. Do you know what that
23 research was about?

24 A. It's my understanding that

1 it had to do with clinical research on
2 the reformulation of our product
3 OxyContin to have abuse-deterrent
4 properties.

5 Q. Did Mr. Webster produce any
6 reports related to that?

7 A. I'm unaware of that right
8 now.

9 Q. Would you be aware if he
10 published any reports about his research
11 that Purdue paid for?

12 MR. SNAPP: Objection.
13 Scope. And form.

14 THE WITNESS: I wouldn't be
15 aware of any clinical research
16 publications that he did, no.

17 BY MR. CRUEGER:

18 Q. You're familiar with Dr.
19 Haddox, correct?

20 A. Yes, sir.

21 Q. He's currently an employee
22 of Purdue, correct? Or at least he was?

23 A. He was an employee of
24 Purdue's, yes.

1 Q. Did -- prior to Dr. Haddox
2 becoming an employee of Purdue, did
3 Purdue pay him any money?

4 A. I don't have the answer to
5 that.

6 Q. In preparing for the
7 deposition, did you look?

8 A. I don't recall looking at
9 anything about Dr. Haddox in advance of
10 his employment, no.

11 Q. So we're going to talk a
12 little bit about the payments to some of
13 these entities. I'm going to start
14 with -- well, let's just start with the
15 American Pain Foundation.

16 If you take what I labeled
17 as Exhibit-2.

18 MR. SNAPP: This one?

19 MR. CRUEGER: It's that,
20 yes.

21 MR. SNAPP: It's 3.

22 MR. CRUEGER: Sorry.

23 Exhibit-3.

24 - - -

1 (Whereupon, Purdue-Must
2 Exhibit-3, No Bates, Reading This
3 Could Help Ease Your Pain, Pain
4 Action Guide, was marked for
5 identification.)

6 - - -

7 MR. SNAPP: Are we done with
8 1 and 2 and 12 for now?

9 MR. CRUEGER: Yes, for now.
10 If you can just start -- you can
11 put them to the side.

12 MR. SNAPP: I can take
13 those.

14 MR. CRUEGER: And, also, if
15 we can just put Exhibit-4 in the
16 record, you don't have to look at
17 it. It's just a record of where I
18 got Exhibit-3 from.

19 - - -

20 (Whereupon, Purdue-Must
21 Exhibit-4, No Bates, Pain
22 Foundation Website Screen Shot,
23 was marked for identification.)

24 - - -

1 BY MR. CRUEGER:

2 Q. So, Mr. Must, you've heard
3 of the American Pain Foundation?

4 A. Yes, sir.

5 Q. Have you seen this pain
6 action guide previously?

7 A. I don't know that I have
8 personally, no.

9 Q. And it says here that the
10 American Pain Foundation, on the cover,
11 it says it's an independent, nonprofit
12 organization, correct?

13 A. Yes, sir.

14 Q. It says it's serving people
15 with pain, correct?

16 A. Yes, sir.

17 Q. And Purdue provided the
18 American Pain Foundation approximately
19 \$3.6 million through 2012, correct?

20 If you want to look at
21 Exhibit-2, that's -- you probably want to
22 keep that a little handy, sorry.

23 A. I'm sorry. Can you repeat
24 your question?

1 Q. Purdue provided the American
2 Pain Foundation approximately \$3.6
3 million, correct?

4 A. From the year 1997 to 2012,
5 yes.

6 Q. And if you look through this
7 guide, Purdue's funding is never
8 mentioned in this guide, is it?

9 A. I don't see it anywhere, no.

10 Q. And if you look at
11 Exhibit-5 -- it's right there.

12 - - -

13 (Whereupon, Purdue-Must
14 Exhibit-5, CHI_001978630, was
15 marked for identification.)

16 - - -

17 BY MR. CRUEGER:

18 Q. So Purdue was not the only
19 opioid manufacturer to provide money to
20 the American Pain Foundation, was it?

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: I would assume
24 not.

1 BY MR. CRUEGER:

2 Q. Well, Purdue knew that other
3 companies were providing money to the
4 American Pain Foundation, correct?

5 A. I would assume that's
6 accurate, yes, sir.

7 Q. And if you look through
8 Exhibit-5, this is a list from the
9 American Pain Foundation of money
10 received from different organizations,
11 including Purdue.

12 And if you go through it,
13 you'll see different names; like Cephalon
14 is on Page 1, correct?

15 A. Yes, sir.

16 Q. And then Endo is listed on
17 Page 2 going through 3, correct?

18 A. Yes, sir.

19 Q. And if you look at Page 4,
20 there's Janssen Pharma, correct?

21 A. Yes, sir.

22 Q. And Johnson & Johnson,
23 correct?

24 A. Yes, sir.

1 Q. And Ortho-McNeil is also on
2 there, correct?

3 A. On Page 6, yes, sir.

4 Q. And these are all
5 competitors of Purdue, correct?

6 A. They are all companies that
7 manufacture some form of a pain
8 medication, yes.

9 Q. Yes.
10 So they are competitors,
11 correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: Potentially,
15 yes.

16 BY MR. CRUEGER:

17 Q. Well, they sell -- they sell
18 a product that competes with a product
19 that Purdue sells, correct?

20 A. I'm not aware of what
21 Ortho-McNeil manufactures, so I don't
22 know if they have a competing product or
23 not.

24 Q. And if you all banded, these

1 companies, you and these other companies
2 that are listed in the American Pain
3 Foundation document, Exhibit-5, all got
4 together to fund the American Pain
5 Foundation, correct?

6 MR. SNAPP: Object to the
7 form.

8 THE WITNESS: Based on this
9 document, it looks like all of
10 these companies, including Purdue,
11 did provide funding to the
12 American Pain Foundation, yes,
13 sir.

14 BY MR. CRUEGER:

15 Q. And it's a substantial
16 amount of money, correct?

17 I won't make you add it all
18 up, it comes up to about \$17 million. So
19 it's a substantial amount of money,
20 correct?

21 A. \$17 million is a substantial
22 amount of money, yes, sir.

23 Q. And if you look at
24 Exhibit-6.

1

- - -

2

(Whereupon, Purdue-Must

3

Exhibit-6, No Bates, American Pain

4

Foundation Payments Received

5

1998-2012, was marked for

6

identification.)

7

- - -

8

BY MR. CRUEGER:

9

Q. This is just a graph of the

10

payments by year that are in that

11

document, Exhibit-5.

12

So you can see how the

13

payments --

14

A. I'm sorry, may I ask a

15

question?

16

Q. Yes.

17

A. Is this payments of all

18

companies, or is this Purdue only?

19

Q. All payments of all

20

companies from Exhibit-5.

21

A. Thank you.

22

Q. So it includes Purdue and

23

everybody else.

24

And you can tell how it's

1 increasing over time, correct, except for
2 2006, where there's a slight dip?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: I'm slightly
6 confused. So I thought we said
7 that all these payments in
8 Exhibit-5 added up to \$17 million?

9 BY MR. CRUEGER:

10 Q. Yes.

11 A. So this Exhibit-6 ultimately
12 adds up to that same amount?

13 Q. It should be around there,
14 yes.

15 A. Okay. I understand it now.
16 Thank you.

17 Q. So it's by year.

18 A. Thank you.

19 Q. And you would agree it shows
20 that, basically, every year the
21 contributions to the American Pain
22 Foundation were increasing, correct?

23 A. It appears until 2011, and
24 then it appears there's a drop-off after

1 that.

2 Q. And 2012 is when the
3 American Pain Foundation shut down,
4 correct?

5 A. I don't know the exact date.
6 But I do know that it did shut down in
7 that timeline.

8 Q. And so what I'm trying to
9 get at, so Purdue and the other opioid
10 manufacturers that are listed in
11 Exhibit-5, so wouldn't you agree that
12 they were giving money to the American
13 Pain Foundation because the American Pain
14 Foundation was advocating for the use of
15 opioids to treat chronic pain, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: I think the
19 American Pain Foundation was
20 advocating for good pain
21 management and treatment options
22 for pain patients. That included
23 opioids as well.

24 BY MR. CRUEGER:

1 Q. Well, they provided -- the
2 American -- if you look at Exhibit-7.

3 - - -

4 (Whereupon, Purdue-Must
5 Exhibit-7, PPLP004052543-548, was
6 marked for identification.)

7 - - -

8 THE WITNESS: Yes, sir.

9 BY MR. CRUEGER:

10 Q. So the American Pain
11 Foundation would provide a report on what
12 they did, correct?

13 A. Yes, they would.

14 Q. And this report was provided
15 to -- in this case, it came out of
16 Purdue's files, if you look at the
17 bottom, correct?

18 The PPLP Bates number.

19 A. I see that, yes, sir.

20 Q. And as far as you know, this
21 report was not public, was it?

22 A. I don't know the answer to
23 that. I'm sorry.

24 Q. And the money that Purdue

1 gave to the American Pain Foundation,
2 that was not publicly known, was it?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: I'm not
6 familiar with the American Pain
7 Foundation and their policies on
8 providing the levels of support
9 and who those supporters were, as
10 a nonprofit organization.

11 BY MR. CRUEGER:

12 Q. But Purdue did not provide
13 any public announcement on the levels of
14 support it was providing to the American
15 Pain Foundation, correct?

16 A. Not to my knowledge.

17 Q. And the other companies that
18 were listed in Exhibit-5 that provided
19 support to the American Pain Foundation,
20 are you aware of any public announcements
21 about the levels of support they were
22 providing?

23 A. I don't believe I can speak
24 to their policies or procedures

1 concerning their contributions.

2 Q. I was wondering more about
3 if you're aware of any.

4 A. Again, I'm not personally
5 knowledgeable about what they produce or
6 don't produce.

7 Q. And so going back to
8 Exhibit-7.

9 This is a report by the
10 American Pain Foundation. And it kind of
11 lists -- or does list what the American
12 Pain Foundation did, in this case it
13 would be in 2008, correct?

14 A. Yes, sir.

15 Q. And this is telling Purdue
16 and other contributors to the American
17 Pain Foundation, basically, what they
18 were getting for their money, correct?

19 A. Yes. It's providing
20 information on what they accomplished in
21 2008.

22 Q. And the first one is --
23 section is called Advocacy, correct?

24 A. Yes, sir.

1 Q. And it shows that the
2 American Pain Foundation, they report on
3 advocating on different pieces of
4 legislation in here, correct?

5 A. It does.

6 Q. And they say -- for example,
7 at the end of the second paragraph under
8 advocacy, there's -- the final sentence
9 starts, APF played a central role.

10 Do you see where I am?

11 A. I do.

12 Q. So it's talking about how --
13 APF is telling Purdue and other donors
14 how it played a central role in
15 organizing and presenting the
16 congressional briefing on pain, correct?

17 A. Yes, sir.

18 Q. So the APF provides
19 testimony to the Senate Veterans Affairs
20 Committee hearing on the Veterans Pain
21 Care Bill, correct?

22 A. Yes, sir.

23 Q. And are you aware of the
24 American Pain Foundation disclosing the

1 sources of its funding when it was
2 providing this testimony and advocating
3 to Congress?

4 MR. SNAPP: Object to the
5 form.

6 THE WITNESS: I do not know.

7 BY MR. CRUEGER:

8 Q. The American Pain Foundation
9 was also a member of the Pain Care Forum,
10 correct?

11 A. Yes, it was.

12 Q. And that's an organization
13 that Purdue was involved in, correct?

14 A. Purdue was also a member of
15 the Pain Care Forum, yes, sir.

16 Q. And, actually, Purdue had a
17 fairly important role in establishing the
18 Pain Care Forum, correct?

19 MR. SNAPP: Object to the
20 form.

21 THE WITNESS: Purdue was one
22 of the original organizations that
23 was involved in the Pain Care
24 Forum, yes.

1 BY MR. CRUEGER:

2 Q. And so the American Pain
3 Foundation -- well, let's just say the
4 Pain Care Forum, other opioid
5 manufacturers were members of the Pain
6 Care Forum, too, correct?

7 A. Yes, some were.

8 Q. And so was the HDMA, an
9 organization of pharmaceutical
10 distributors, correct?

11 A. The membership of the Pain
12 Care Forum changed over the years. But I
13 believe at least at some point they were,
14 yes.

15 Q. And, again, all these
16 companies that are in the Pain Care Forum
17 are -- at a certain level they are all
18 competitors, correct?

19 MR. SNAPP: Object to the
20 form.

21 THE WITNESS: They could all
22 be competitors, yes.

23 BY MR. CRUEGER:

24 Q. And in here it says, At the

1 end of 2008, if you see where -- that
2 paragraph, where it says, APF's
3 leadership in the Pain Care Forum.

4 Do you see where I am?

5 A. I do.

6 Q. The final sentence says, At
7 the end of 2008, APF developed and
8 continues to lead the REMS, Risk
9 Evaluation Mitigation Strategies, task
10 force of the Pain Care Forum.

11 Do you see where I am?

12 A. I do see that, yes.

13 Q. And REMS deals with the FDA,
14 correct?

15 A. Yes. The REMS was -- has to
16 do with opioid products that are FDA
17 approved, yes.

18 Q. And so there the APF is
19 playing some sort of advocacy role for
20 the FDA, correct?

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: I'm not
24 entirely clear what the Pain Care

1 Forum was doing during that time
2 concerning the REMS. But,
3 obviously, it was involved in some
4 way.

5 BY MR. CRUEGER:

6 Q. And are you aware of the
7 American Pain Foundation disclosing its
8 financial support from Purdue and other
9 opioid manufacturers to the FDA?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: I don't -- I
13 don't know that, no.

14 BY MR. CRUEGER:

15 Q. If you go to the page -- the
16 last three of the Bates number at the
17 bottom is 546.

18 Do you see where I am?

19 A. Yes, sir.

20 Q. You're on the right page.
21 It says, Media, correct?

22 A. Yes, sir.

23 Q. And so media is another item
24 that the Pain Care Forum is -- not the

1 Pain Care Forum, sorry. Let me strike
2 that.

3 So in this section, the
4 American Pain Foundation is reporting to
5 Purdue and other financial backers what
6 it did in the media to advocate for
7 opioid prescribing, correct?

8 MR. SNAPP: Object to the
9 form.

10 THE WITNESS: I believe it
11 is identifying what it did in the
12 media as it advocated for pain
13 patients, yes, sir.

14 BY MR. CRUEGER:

15 Q. And you can see here in this
16 first paragraph, it refers to providing
17 reporters that the American -- sorry,
18 strike that.

19 In this paragraph, it talks
20 about how the American Pain Foundation
21 provided reporters with a reporter's
22 guide covering pain and its management,
23 correct?

24 A. Yes, sir.

1 Q. And it also talks about how
2 the American Pain Foundation targeted
3 strategically identified media markets,
4 including markets where key members of
5 Congress reside, correct?

6 A. That's what this document
7 says, yes, sir.

8 Q. So the American Pain
9 Foundation is telling Purdue and its
10 other financial backers how it's trying
11 to influence, through the media, public
12 opinion about opioids and opioid
13 prescribing, correct?

14 MR. SNAPP: Object to the
15 form.

16 THE WITNESS: Again, I think
17 it's talking about pain and pain
18 management more broadly. But yes.

19 BY MR. CRUEGER:

20 Q. And, again, this is what
21 Purdue and the other opioid manufacturers
22 are paying the American Pain Foundation
23 to do, correct?

24 MR. SNAPP: Object to the

1 form.

2 THE WITNESS: The American
3 Pain Foundation, as indicated in
4 their own description, was an
5 organization that advocated for
6 pain patients.

7 And this is a report of the
8 things that they did to advocate
9 for pain patients and appropriate
10 pain treatment.

11 BY MR. CRUEGER:

12 Q. Well, this is what -- let me
13 rephrase it.

14 This is what Purdue and the
15 other opioid manufacturers expected the
16 American Pain Foundation to do with the
17 money it was providing them, correct?

18 MR. SNAPP: Object to form.

19 MR. SMITH: Object to form.

20 THE WITNESS: I think that
21 the American Pain Foundation
22 reported what they did.

23 But we were not -- we were
24 made aware of what they were

1 doing. But I don't know that we
2 were paying them to do that. We
3 were supporting a nonprofit
4 organization that was advocating
5 for pain patients.

6 Our products were used in
7 that therapeutic area for pain.

8 BY MR. CRUEGER:

9 Q. Well, but let's just look at
10 it from Purdue's perspective.

11 You were funding the
12 American -- Purdue was funding the
13 American Pain Foundation because it
14 wanted to appear as an independent
15 entity, but it was advancing Purdue's
16 interests, correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: I think APF
20 was an independent entity. And we
21 had mission matching, that we
22 agreed with the same things that
23 they were advocating for.

24 BY MR. CRUEGER:

1 Q. If you look at Exhibit-8,
2 this is that reporter's guide that's
3 referred to in Exhibit-7.

4 - - -

5 (Whereupon, Purdue-Must
6 Exhibit-8, No Bates, American Pain
7 Foundation A Reporter's Guide -
8 Covering Pain and Its Management,
9 was marked for identification.)

10 - - -

11 THE WITNESS: Yes, sir.

12 BY MR. CRUEGER:

13 Q. And this is a document,
14 again, that's put out by the American
15 Pain Foundation, correct?

16 A. It appears that way, yes,
17 sir.

18 Q. And if you'd look at Page 1.

19 A. Yes, sir.

20 Q. It says -- this is, the box
21 in Page 1 is called, Common
22 misconceptions about pain.

23 Do you see where I am?

24 A. I do, sir.

1 Q. And so you said that the
2 American Pain Foundation and the opioid
3 manufacturers and Purdue, that their
4 interests aligned.

5 I think that was the -- what
6 was the term that you used? How did you
7 explain it?

8 A. We have --

9 MR. SNAPP: Object to the
10 form.

11 THE WITNESS: We agreed
12 with -- we had mission match with
13 them, yes.

14 BY MR. CRUEGER:

15 Q. Mission match is the -- so
16 if you look at the -- in the second
17 column, the bullet point that starts
18 with, Use of strong pain medication leads
19 to addiction.

20 A. Yes, sir.

21 Q. And this is one of the
22 misconceptions about pain that's listed
23 by the American Pain Foundation, correct?

24 A. That is what's in this

1 document, yes, sir.

2 Q. And it says in here, the
3 American Pain Foundation says, Studies
4 have shown that the risk of addiction is
5 small.

6 Do you see where I am?

7 A. I do.

8 Q. So, Studies have shown that
9 the risk of addiction is small when these
10 medications are properly prescribed and
11 taken as directed.

12 So that's -- that's a
13 message that the American Pain Foundation
14 is spreading to the media in this guide,
15 correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: That is one of
19 the points on this -- in this
20 black box, yes; or in this boxed
21 section, yes.

22 BY MR. CRUEGER:

23 Q. And that is one of the
24 messages that Purdue and the other opioid

1 manufacturers are funding the American
2 Pain Foundation to spread, correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: I think that
6 there are studies looking at the
7 issue around the evidence of the
8 risk of addiction.

9 BY MR. CRUEGER:

10 Q. Yes --

11 A. As indicated in here.

12 Q. -- but my question is,
13 though, that is one of the messages that
14 Purdue and the other opioid companies are
15 funding the American Pain Foundation to
16 spread, correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: I don't think
20 we're funding them to spread any
21 specific message. But it is
22 something that they are stating in
23 their document.

24 BY MR. CRUEGER:

1 Q. So do you know if -- well,
2 the American Pain Foundation is telling
3 Purdue, in this instance, in Exhibit-7,
4 that it was -- it was providing reporters
5 with a copy of this document, correct?

6 A. That is correct.

7 MR. SNAPP: Object to the
8 form.

9 BY MR. CRUEGER:

10 Q. And that it was using this
11 document to influence -- or strike that
12 question.

13 It was using -- that the
14 American Pain Foundation was using
15 Exhibit-8, the reporter's guide, to
16 influence reporters, correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: It does
20 indicate that they were
21 distributing this media guide,
22 yes.

23 BY MR. CRUEGER:

24 Q. And Purdue, then, knew that

1 the American Pain Foundation was
2 distributing this media guide, correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: Yes.

6 BY MR. CRUEGER:

7 Q. And this is an example of
8 the mission match, as you referred to it,
9 correct?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: Again, we
13 are -- we provided funding to an
14 organization that advocates for
15 pain and pain management.

16 BY MR. CRUEGER:

17 Q. But you're providing the
18 funding because Purdue agrees with that
19 message, correct?

20 MR. SNAPP: Object to the
21 form.

22 THE WITNESS: I think that
23 we're providing the funding more
24 broadly in support of the

1 organization and the things
2 they're doing to advance proper
3 pain management and awareness of
4 un- or undertreated pain.

5 BY MR. CRUEGER:

6 Q. And just looking at that
7 bullet point again in Exhibit-8, the
8 reporter's guide --

9 A. Yes.

10 Q. -- does it -- you would
11 agree with me, it does not mention in
12 here any issues about dependence arising
13 from opioid use, correct?

14 A. Under that bullet point?

15 MR. SNAPP: Object to the
16 form.

17 BY MR. CRUEGER:

18 Q. Yes, under that.

19 A. That we were just talking
20 about?

21 Q. Yes.

22 A. Well, it does say, As with
23 many medications, there are risks. These
24 risks can be managed.

1 It doesn't specifically talk
2 about what those risks are.

3 Q. Right. So it doesn't
4 mention dependence, does it?

5 A. It does not in that bullet
6 point. No, sir.

7 Q. No.

8 And it doesn't mention
9 withdrawal, does it?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: Not in that
13 bullet point. No, sir.

14 BY MR. CRUEGER:

15 Q. And if you'd look at Page
16 14.

17 And if you see, this is
18 another thing on Page 14, there's a
19 column down the middle that says, Myth
20 and truth.

21 Do you see where I am?

22 A. Yes, sir.

23 Q. And the third one down,
24 myth, says -- starts with, Children. And

1 it says, Children can easily become
2 addicted to pain medications.

3 Do you see where I am?

4 A. Yes, sir.

5 Q. And then the truth is,
6 according to the American Pain Foundation
7 is, Less than 1 percent of children
8 treated with opioids become addicted.

9 Do you see where I am?

10 A. Yes, sir, I do.

11 Q. Is that another example --
12 that is yet another example of mission
13 match between the message Purdue wants to
14 send and the message being sent by the
15 American Pain Foundation, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: No, I don't
19 believe so.

20 But I do notice that there's
21 a footnote of some sort of a study
22 that they're pointing to.

23 BY MR. CRUEGER:

24 Q. So you don't -- you don't

1 believe that Purdue was aware of this
2 message when it was providing funding to
3 the American Pain Foundation?

4 MR. SNAPP: Object to the
5 form.

6 THE WITNESS: Again, we
7 don't dictate what they do. We're
8 funding the organization.

9 We may or may not agree with
10 everything that they say.

11 BY MR. CRUEGER:

12 Q. So do you believe that
13 Purdue would review materials before the
14 American Pain Foundation sent them out?

15 MR. SNAPP: Object to the
16 form.

17 THE WITNESS: I don't know
18 whether the American Pain
19 Foundation would provide the
20 opportunity for Purdue to look at
21 any of their documents in advance
22 or not.

23 But by policy, we would not
24 do anything with content of any of

1 these documents.

2 BY MR. CRUEGER:

3 Q. Is that a written policy?

4 A. I would have to check to see
5 that. I'm not certain whether it is.

6 But based on the fact that
7 if we would provide any unrestricted
8 educational grants, those don't come with
9 any -- in fact, we explicitly don't get
10 involved with content on anything that
11 they do.

12 Q. If you'd look at Page 28.

13 A. Yes, sir.

14 Q. And the section that's
15 called, Adverse effects.

16 And this is supposedly
17 educating the public about the adverse
18 effects of opioids, correct?

19 MR. SNAPP: Object to the
20 form.

21 THE WITNESS: I believe
22 that's accurate, yes.

23 BY MR. CRUEGER:

24 Q. And nowhere in here does the

1 American Pain Foundation mention
2 addiction, does it?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: It does not.

6 BY MR. CRUEGER:

7 Q. And nowhere in here does the
8 American Pain Foundation discuss
9 dependence as an adverse effect, does it?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: I don't see it
13 in this section, no, sir.

14 BY MR. CRUEGER:

15 Q. And nowhere in here does the
16 American Pain Foundation discuss
17 withdrawal as an adverse effect from
18 opioids, correct?

19 MR. SNAPP: Object to the
20 form.

21 THE WITNESS: I do not see
22 it in this adverse events section,
23 no, sir.

24 BY MR. CRUEGER:

1 Q. In fact, the adverse
2 events -- sorry. Strike that.

3 The adverse effects section
4 does not even use the word "overdose,"
5 does it?

6 A. I do not see it in there,
7 no, sir.

8 Q. Now, Richard Sackler, can
9 you just tell the jury who Richard
10 Sackler is?

11 A. Richard Sackler is one of
12 the board members -- prior board members
13 of Purdue Pharma.

14 Q. Does he have any ownership
15 interest in Purdue?

16 MR. SNAPP: Objection.
17 Scope.

18 THE WITNESS: As a board
19 member and -- yes. As an owner of
20 the company, yes.

21 BY MR. CRUEGER:

22 Q. So if you'd look at
23 Exhibit-9.

24 - - -

1 (Whereupon, Purdue-Must
2 Exhibit-9, CHI_001032002-003, was
3 marked for identification.)

4 - - -

5 BY MR. CRUEGER:

6 Q. Richard Sackler was
7 personally involved with the American
8 Pain Foundation, correct?

9 MR. SNAPP: Objection.
10 Form.

11 THE WITNESS: It does
12 appear, based on this document,
13 that he was involved in a meeting
14 with the American Pain Foundation.

15 BY MR. CRUEGER:

16 Q. Right. This is a visit
17 report to the -- about a visit between
18 certain people from Purdue with the
19 American Pain Foundation, correct?

20 A. Correct. On, according to
21 the document, Monday, August the 7th,
22 2000, in Stamford, Connecticut.

23 Q. And that's Purdue's
24 headquarters, correct?

1 MR. SNAPP: Object to the
2 form.

3 THE WITNESS: Yes, sir, it
4 is.

5 Well, our headquarters is
6 located in Stamford, Connecticut.
7 I'm assuming that's where this
8 meeting took place.

9 BY MR. CRUEGER:

10 Q. And if you see the very last
11 paragraph -- the first page, sorry.

12 Sackler, that's referring to
13 Richard Sackler, correct?

14 MR. SNAPP: Object to the
15 form.

16 THE WITNESS: It appears
17 that way on this document, yes,
18 sir.

19 BY MR. CRUEGER:

20 Q. So in this document, Sackler
21 said it was important, both for APF and
22 for Purdue, that APF be seen as
23 independent, and as such he did not want
24 Purdue to be the lead funder on the Stop

1 Pain Now campaign.

2 I read that correctly,
3 correct?

4 A. Yes, sir.

5 Q. So that's the point, isn't
6 it, that it's important for Purdue and
7 the other opioid companies that the
8 American Pain Foundation be perceived as
9 independent, correct?

10 MR. SNAPP: Object to the
11 form.

12 MR. SMITH: Object to form.

13 THE WITNESS: I can't speak
14 to Richard Sackler's intent, no,
15 sir.

16 BY MR. CRUEGER:

17 Q. But Purdue, it's important
18 for Purdue that the American Pain
19 Foundation be perceived as independent,
20 correct?

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: Well, the APF
24 is an independent, nonprofit

1 organization, according to their
2 own document.

3 BY MR. CRUEGER:

4 Q. But Purdue and other opioid
5 manufacturers provided millions upon
6 millions of dollars, correct?

7 MR. SNAPP: Object to the
8 form.

9 THE WITNESS: We did provide
10 funding for the organization, yes,
11 sir.

12 MR. SMITH: Object to the
13 form.

14 BY MR. CRUEGER:

15 Q. And that funding was used to
16 distribute information about opioids and
17 the risks of opioids, correct?

18 A. Again, I think that their
19 mission was to talk about appropriate
20 pain management and discuss untreated or
21 undertreated pain, at that time.

22 Q. But their mission is to
23 promote the use of opioids to treat
24 chronic pain, correct?

1 MR. SNAPP: Object to the
2 form.

3 THE WITNESS: I believe
4 their mission is to -- to promote
5 appropriate prescribing in
6 treatment of pain broadly, opioids
7 being one of those items.

8 BY MR. CRUEGER:

9 Q. And your company, Purdue,
10 they sell opioids, correct?

11 A. Yes, sir.

12 Q. So this is another example
13 of mission match, correct? Where they
14 are advocating for the use of a product
15 that your company sells, correct?

16 MR. SNAPP: Objection to
17 form.

18 THE WITNESS: Again, they're
19 advocating for appropriate pain
20 treatment. Opioids may be one of
21 the things that are used by
22 prescribers for the treatment of
23 pain.

24 - - -

1 (Whereupon, Purdue-Must
2 Exhibit-10, PPLPC13000057412-421,
3 was marked for identification.)

4 - - -

5 BY MR. CRUEGER:

6 Q. Now, if you look at
7 Exhibit-10.

8 This a copy of an e-mail.
9 And it's from Dr. Haddox, correct?

10 A. It is. Yes, sir.

11 Q. And he's a Purdue employee?

12 MR. SNAPP: Object to form.

13 THE WITNESS: I'm just
14 trying --

15 MR. SNAPP: Do you have a
16 time of this -- of this e-mail?

17 MR. CRUEGER: What's that?

18 THE WITNESS: I was just --
19 I was looking at the date of this
20 and trying to determine if Dr.
21 Haddox was, in fact, an employee
22 in 2000.

23 BY MR. CRUEGER:

24 Q. So if you look at the

1 bottom, under his signature block on the
2 first page --

3 A. Thank you, yes.

4 Q. So --

5 A. So he was the medical
6 director of internal -- international
7 analgesics is his title at that time.

8 Q. And so he's an employee of
9 Purdue, correct?

10 A. Yes.

11 Q. Okay. And he's sending the
12 e-mail to Mr. Jim Guest, correct?

13 A. Yes, sir.

14 Q. And if you look at the
15 second page, just so that -- in case you
16 don't know, Mr. Guest is the executive
17 director of the American Pain Foundation,
18 correct?

19 A. According to this document,
20 yes, sir.

21 Q. And two other people are
22 cc'd on this e-mail, if you look at the
23 first page, again, of Exhibit-10,
24 correct?

1 A. Yes, sir.

2 Q. Robin Hogan, that's also a
3 Purdue employee?

4 A. Yes, sir.

5 Q. What's her role?

6 A. Robin Hogan is a male.

7 Q. Sorry.

8 A. That's all right.

9 And he was in corporate
10 communications. I don't know what his
11 specific title might have been at that
12 time.

13 Q. And Dr. Robert Kaiko?

14 A. Kaiko. Yes, sir.

15 Q. Also a Purdue employee?

16 A. Yes, sir.

17 I believe, at that time, Dr.
18 Kaiko -- I believe Dr. Haddox may have
19 been reporting to Dr. Kaiko at that time.

20 Q. And Dr. Haddox, in this
21 e-mail to the executive director of the
22 American Pain Foundation, is attaching,
23 it says here, a pain action guide or pain
24 action pamphlet, correct?

1 A. Yes.

2 Q. And if you look at Bates
3 label -- the attachment starts with, the
4 last three of the Bates numbers are 414?

5 A. 414?

6 Q. Yes.

7 A. Yes, sir.

8 Q. And so this is the -- if you
9 look at that document that's attached,
10 this is an American Pain Foundation
11 document, correct?

12 A. It appears so, yes, sir.

13 Q. And if you look at Page 413
14 of Exhibit-10.

15 A. Got it. Yes, sir.

16 Q. And that's an e-mail from
17 Mr. Guest to Dr. Haddox, correct?

18 A. Yes, sir.

19 Q. And he's sending a draft of
20 this document and asking for Dr. Haddox
21 to comment on it, correct?

22 A. Yes, sir.

23 Q. And then in the first page
24 of Exhibit-10, this is Mr. Haddox -- or

1 Dr. Haddox providing his comments and
2 edits to the pain action pamphlet,
3 correct?

4 A. It appears so from this
5 e-mail, yes.

6 Q. And so this is an example of
7 Purdue commenting and editing a draft of
8 an American Pain Foundation document,
9 correct?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: Based on this
13 e-mail, it does appear that Dr.
14 Haddox was offering some suggested
15 wording on this, yes.

16 BY MR. CRUEGER:

17 Q. And some of that suggested
18 wording, if you look at Dr. Haddox's Item
19 7 on the first page of Exhibit-10 -- so
20 Dr. Haddox is providing advice to the
21 American Pain Foundation on how to frame
22 the issue of addiction, is he not?

23 MR. SNAPP: Object to the
24 form.

1 THE WITNESS: It does appear
2 from this document that Dr. Haddox
3 is providing some thoughts on that
4 subject, yes, sir.

5 BY MR. CRUEGER:

6 Q. And so Dr. Haddox, in here,
7 is providing suggestions to downplay the
8 risk of addiction, correct?

9 MR. SNAPP: Object to the
10 form.

11 THE WITNESS: I don't know
12 what specifically was in Dr.
13 Haddox's mind at that time.

14 But in reading this
15 document, he is offering up some
16 suggested language, yes, sir.

17 BY MR. CRUEGER:

18 Q. And this is a document that
19 was -- this American Pain Foundation
20 document that Dr. Haddox is providing
21 comments on, this was going to be
22 distributed to the public, correct?

23 MR. SNAPP: Object to the
24 form.

1 THE WITNESS: I'm not clear
2 on how they planned to use this
3 document, so I can't speak to
4 that.

5 BY MR. CRUEGER:

6 Q. So if you go to, again,
7 Page -- again, it's 414 of Exhibit-10.

8 So it says, Reading this
9 could help ease your pain, a guide to
10 getting the help you need and deserve.
11 The American Pain Foundation.

12 A. Yes, sir.

13 Q. So if you look at
14 Exhibit-3 -- I believe it's right next to
15 your right hand. I think that's it.

16 Is that it?

17 A. Got it.

18 Q. That's the title of
19 Exhibit-3, correct?

20 A. Yes, sir, it is.

21 Q. So Dr. Haddox is providing
22 comments on the pain action guide,
23 correct?

24 A. It does appear that they

1 have similar language.

2 Q. But my question is that Dr.
3 Haddox is providing comments and edits on
4 the pain action guide, correct?

5 MR. SNAPP: Object to the
6 form.

7 THE WITNESS: Based on this
8 document, it appears that way,
9 yes, sir.

10 BY MR. CRUEGER:

11 Q. So when -- Dr. Haddox
12 reviewed the pain action guide from the
13 American Pain Foundation, correct?

14 MR. SNAPP: Object to the
15 form.

16 THE WITNESS: It appears
17 that way, based on this document.

18 BY MR. CRUEGER:

19 Q. And if you look at
20 Exhibit-2 -- and you'll want to keep
21 Exhibit-10 in front of you. Exhibit-2 is
22 the spreadsheet.

23 A. Got you. I'll find it.

24 Q. Actually, you can use

1 Exhibit-12, since I see it's in front of
2 you. It's the same thing.

3 A. Okay. Thank you. Okay.

4 Q. So Exhibit-10, Dr. Haddox's
5 e-mail to the American Pain Foundation
6 executive director, that's dated October
7 11th of the year 2000, correct?

8 A. Yes, sir.

9 Q. And in -- the American Pain
10 Foundation, under Exhibit-12, in 2000,
11 Purdue had not provided any support for
12 the American Pain Foundation, correct?

13 A. That is correct.

14 Q. But in 2001, it provided a
15 little over \$600,000 in support, correct?

16 A. Yes, sir.

17 Q. And, presumably, 2001 is
18 when this pamphlet, the pain action
19 guide, came out, correct?

20 MR. SNAPP: Object to the
21 form.

22 THE WITNESS: I don't know
23 specifically when it came out.

24 BY MR. CRUEGER:

1 Q. And let's look at the pain
2 action guide. This is Exhibit-3.

3 A. Yes.

4 Q. And if you look at --
5 unfortunately, there's no page numbers on
6 this.

7 If you look at what would be
8 the third page, it starts with, Know the
9 facts, at the top.

10 A. I'm on that page.

11 Q. Okay. And in that column,
12 the fourth paragraph down starts with,
13 Pain medications?

14 A. Yes, sir.

15 Q. So, Pain medications rarely
16 cause addiction.

17 That's what the American
18 Pain Foundation is saying in this
19 pamphlet, correct?

20 A. That is what it says on this
21 document, yes, sir.

22 Q. And that's in the -- another
23 example of mission match with Purdue's
24 message to the public that opioids rarely

1 cause addiction, correct?

2 MR. SNAPP: Object to the
3 form.

4 THE WITNESS: Well, there
5 are associated risks involved in
6 opioids. And in the labeling
7 itself, it clearly identifies that
8 there are problems with addiction.

9 BY MR. CRUEGER:

10 Q. My question, though, was the
11 American Pain Foundation's message to the
12 public in this pamphlet that pain
13 medications, in this case, opioids,
14 rarely cause addiction matches with
15 Purdue's message to the public that
16 opioids rarely cause addiction, correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: That is what
20 their document says here. And
21 Purdue does have a position on
22 addiction related to --

23 BY MR. CRUEGER:

24 Q. And, in fact, as we see in

1 Exhibit-10, Item 7 on Dr. Haddox's
2 e-mail, Dr. Haddox edited that part of
3 the American Pain Foundation's documents,
4 correct?

5 MR. SNAPP: Object to the
6 form.

7 THE WITNESS: I do see that
8 in this document.

9 MR. SNAPP: Jack, we've been
10 going for 70 minutes. Is now a
11 good time for a short break? I
12 can use a break.

13 MR. CRUEGER: Yes, we can
14 take a short break.

15 MR. SNAPP: Thank you.

16 VIDEO TECHNICIAN: The time
17 is 9:48 a.m. Off the record.

18 - - -

19 (Whereupon, a brief recess
20 was taken.)

21 - - -

22 VIDEO TECHNICIAN: We are
23 back on the record. The time is
24 10:17 a.m.

1 BY MR. CRUEGER:

2 Q. So, Mr. Must, when we left,
3 we were talking about Exhibit-3, the pain
4 action guide, right?

5 A. Yes, sir.

6 Q. If you'd look at the cover
7 page of Exhibit-3.

8 On the left-hand side it has
9 a copyright of 2003, correct?

10 A. Yes, sir.

11 Q. And if you look at
12 Exhibit-10, which is Dr. Haddox's e-mail,
13 that's 2000.

14 Do you recall that?

15 A. Yes, sir.

16 Q. And if you look at your
17 Exhibit-12, as we said, in 2000 Purdue
18 had provided no funding to the American
19 Pain Foundation, correct?

20 A. That is correct.

21 Q. But in 2001, after Mr.
22 Haddox's e-mail -- the year after Mr.
23 Haddox's e-mail, Purdue had provided
24 \$606,000 in funding, correct?

1 A. Yes, sir.

2 Q. And in 2002, it provided
3 \$15,000 to the American Pain Foundation,
4 correct?

5 A. Yes, sir.

6 Q. And then 2003, \$461,000,
7 correct?

8 A. Yes, sir.

9 Q. And then 2004, \$250,000,
10 correct?

11 A. Yes, sir.

12 Q. And part of that -- at least
13 part of that money allowed the American
14 Pain Foundation to distribute the pain
15 action guide that Dr. Haddox had edited,
16 correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: That would be
20 my assumption.

21 BY MR. CRUEGER:

22 Q. And if you look at
23 Exhibit-11, it's going to be in the stack
24 of exhibits right next to you.

1 distribute the pain action guide,
2 correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: I'm sorry, can
6 you repeat the question?

7 BY MR. CRUEGER:

8 Q. The American Pain Foundation
9 is distributing the pain action guides
10 through the mail, correct?

11 MR. SNAPP: Object to the
12 form.

13 THE WITNESS: I don't get
14 that from that paragraph.

15 BY MR. CRUEGER:

16 Q. If you look at Page 4 --

17 A. I'm sorry, are you in the
18 next-to-last paragraph or the last
19 paragraph?

20 Q. I was just looking at the
21 last paragraph on Page 3.

22 A. Okay.

23 Q. And if you look at Page 4,
24 at the top, it says, John reported.

1 A. Yes.

2 Q. And it says that, Purdue
3 Pharma has ordered 50,000 brochures,
4 correct?

5 A. Yes, sir.

6 Q. And, also, Medtronic has
7 ordered 1,000 pain action guides,
8 correct?

9 A. Yes, sir.

10 Q. And then MPE has ordered
11 1,000 BORs, which I believe is Bill of
12 Rights, correct?

13 A. I don't know. But that's
14 what the document says, yes, sir.

15 Q. If you look at Page 3, at
16 the bottom, the last paragraph, they
17 explain more, their acronym, Bill of
18 Rights.

19 A. Sorry. I see that now, yes,
20 sir.

21 Q. And so Purdue ordered 50,000
22 of these pain action guides, correct?

23 A. That's what this document
24 says. Yes, sir.

1 Q. And then Purdue would then
2 use the mail to distribute them to
3 doctors' offices, correct?

4 MR. SNAPP: Object to the
5 form. Scope.

6 THE WITNESS: I can't say
7 what Purdue did with them. I'm
8 not aware.

9 But they did order 50,000 of
10 them, yes.

11 BY MR. CRUEGER:

12 Q. Well, they would use them
13 for selling, correct?

14 MR. SNAPP: Object to the
15 form.

16 THE WITNESS: I'm sorry, for
17 self?

18 BY MR. CRUEGER:

19 Q. For selling. For selling
20 your product.

21 MR. SNAPP: Object to the
22 form. Scope.

23 THE WITNESS: Again, I'm not
24 familiar with what the marketing

1 and sales group may or may not do
2 with these.

3 BY MR. CRUEGER:

4 Q. Let's just look quickly,
5 I'll have to try to push this one across.
6 Exhibit-18.

7 - - -

8 (Whereupon, Purdue-Must
9 Exhibit-18, PPLPC009000040055, was
10 marked for identification.)

11 - - -

12 MS. POLLOCK: You have
13 copies in there.

14 MR. SNAPP: We have copies
15 in here?

16 MR. CRUEGER: Yes.

17 BY MR. CRUEGER:

18 Q. Mr. Must, if you just
19 quickly look at Exhibit-18, this is a
20 Purdue document.

21 And the cover is an e-mail,
22 right, from Gary Lewandowski to Tony
23 Goodman, correct?

24 A. Yes, sir.

1 Q. Do you know who those people
2 are? Who is Gary Lewandowski?

3 A. Gary Lewandowski was a
4 member of our marketing department, as
5 was Tony Goodman.

6 Q. And it attaches a
7 PowerPoint, which the cover page is on
8 the next page, and the PowerPoint starts
9 after that?

10 A. Yes, sir.

11 Q. And because the PowerPoint
12 is not labeled, and to speed things up, I
13 put a tag on there that says 1, to kind
14 of help you get to where -- I'm sorry, go
15 to 2.

16 Just so we're on the right
17 page, is the one you're looking at, does
18 it have -- it says, New pain action guide
19 by APF at the top?

20 A. Yes, sir.

21 Q. And does it say, Selling
22 messages?

23 A. Yes, sir.

24 Q. Okay. And so this is an

1 example of Purdue using the pain action
2 guide to sell OxyContin, correct?

3 MR. SNAPP: Object to the
4 form. Scope.

5 THE WITNESS: Again, I'm not
6 familiar with the sales and
7 marketing plans. But that's what
8 it says on this particular
9 document, that this is a selling
10 message.

11 BY MR. CRUEGER:

12 Q. And that's really the point
13 of all the funding that Purdue is
14 providing to the American Pain
15 Foundation, isn't it?

16 You want to expand the
17 market for opioids, correct?

18 MR. SNAPP: Object to the
19 form.

20 THE WITNESS: Again, I think
21 that as an organization that
22 represents pain patients and
23 having a product in the pain
24 therapeutic area, we supported the

1 organization, yes.

2 BY MR. CRUEGER:

3 Q. Well, you supported --
4 Purdue supported the organization because
5 it believed the messaging from the
6 American Pain Foundation would expand the
7 market for opioids, correct?

8 MR. SNAPP: Object to the
9 form.

10 THE WITNESS: Again, I think
11 we provided funding and support
12 for the organization because they
13 represented the patients that our
14 products were meant to be used
15 with, when prescribed
16 appropriately.

17 BY MR. CRUEGER:

18 Q. Well, they didn't really
19 represent the patients, did they, Mr.
20 Must?

21 They represented your
22 interests, and were promoting your and
23 other opioid manufacturers' interests,
24 correct?

1 MR. SNAPP: Object to the
2 form.

3 THE WITNESS: No. I believe
4 they represented pain patients.

5 BY MR. CRUEGER:

6 Q. So, but it was Purdue and
7 other opioid manufacturers that provided
8 the primary funding for the American Pain
9 Foundation, correct?

10 A. I think that --

11 MR. SNAPP: Object to the
12 form.

13 THE WITNESS: I think that
14 Purdue, other manufacturers of
15 opioids, and other companies that
16 may or may not have been in the
17 opioid space were funders of the
18 organization.

19 BY MR. CRUEGER:

20 Q. And all that funding was not
21 in the public knowledge, was it?

22 MR. SNAPP: Object to the
23 form.

24 THE WITNESS: I can't speak

1 to that. I'm not sure.

2 BY MR. CRUEGER:

3 Q. But none of the Purdue
4 funding was in the public knowledge, was
5 it?

6 MR. SNAPP: Object to the
7 form.

8 THE WITNESS: Again, I'm not
9 sure what APF did or didn't
10 disclose.

11 BY MR. CRUEGER:

12 Q. Well, if you look at
13 Exhibit-3, Purdue's name is not disclosed
14 in the pain action guide, the guide that
15 the American Pain Foundation distributed,
16 is it?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: It is not.

20 BY MR. CRUEGER:

21 Q. Nor is any of the other
22 funding provided by other opioid
23 manufacturers; that is not disclosed in
24 this American Pain Foundation document,

1 is it?

2 MR. SNAPP: Object to the
3 form.

4 THE WITNESS: It is not.

5 BY MR. CRUEGER:

6 Q. So wouldn't you agree, Mr.
7 Must, that while the document says that
8 the American Pain Foundation is an
9 independent, nonprofit organization, that
10 it really only has the illusion of an
11 independent nonprofit organization?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: No. I don't
15 believe that this one document
16 specifically talks about the
17 American Pain Foundation's
18 funding.

19 BY MR. CRUEGER:

20 Q. Let's look at Exhibit-13.
21 It would be the next one on the stack.

22 - - -

23 (Whereupon, Purdue-Must
24 Exhibit-13, No Bates, The Use of

1 Opioids for the Treatment of
2 Chronic Pain, was marked for
3 identification.)

4 - - -

5 MR. CRUEGER: I think you
6 can put all those to the side,
7 except for Exhibit-12.

8 THE WITNESS: Thank you.

9 MR. SNAPP: Except for
10 exhibit what? I'm sorry.

11 MR. CRUEGER: 12, just the
12 spreadsheet.

13 BY MR. CRUEGER:

14 Q. This is a consensus
15 statement put out by the American Academy
16 of Pain Medicine.

17 Do you see that?

18 A. Yes, sir. Along with the
19 American Pain Society.

20 Q. Correct.

21 And the title is, The Use of
22 Opioids for the Treatment of Chronic
23 Pain, correct?

24 A. Yes, sir.

1 Q. And Purdue gave a
2 substantial amount of money to both of
3 these organizations, the American Academy
4 of Pain Medicine and the American Pain
5 Society, correct?

6 MR. SNAPP: Object to the
7 form.

8 THE WITNESS: Yes, we did.

9 BY MR. CRUEGER:

10 Q. And you know that other
11 opioid manufacturers also provided funds
12 to the American Academy of Pain Medicine?

13 MR. SNAPP: Object to the
14 form.

15 THE WITNESS: I don't know
16 specifically --

17 MR. SMITH: Object to the
18 form.

19 THE WITNESS: I don't know
20 specifically who, but I would
21 assume that other organizations
22 that were interested in the
23 treatment of pain did provide
24 contributions to these

1 organizations.

2 BY MR. CRUEGER:

3 Q. And other organizations --
4 other opioid manufacturers also provided
5 financial support for the American Pain
6 Society, correct?

7 MR. SNAPP: Object to the
8 form.

9 MR. SMITH: Object to form.

10 THE WITNESS: Again, I have
11 no personal knowledge.

12 BY MR. CRUEGER:

13 Q. And, again, these would
14 be -- assuming that they did provide
15 money, these would be competitors,
16 correct, the other opioid manufacturers?

17 MR. SNAPP: Object to the
18 form.

19 MR. SMITH: Object to form.

20 THE WITNESS: They would be
21 organizations that sell opioids
22 into the same therapeutic area.

23 BY MR. CRUEGER:

24 Q. And if you look at the last

1 page, Page 4 of Exhibit-13.

2 A. Yes, sir.

3 Q. There's a list of people.

4 It's all in italics, This statement was
5 prepared by the following committee
6 members.

7 Do you see where I am?

8 A. Yes, sir.

9 Q. The first person is Dr.
10 David Haddox.

11 Do you see that?

12 A. I do.

13 Q. So he eventually went to
14 Purdue, correct?

15 A. Yes, sir.

16 Q. The next person is David
17 Jarensen.

18 Do you see his name?

19 A. Yes, sir.

20 Q. And he's at the Wisconsin
21 Pain and Policy Studies Group, correct?

22 A. That's correct.

23 Q. And Purdue provided
24 financial support to the Wisconsin Pain

1 and Policy Studies Group, correct?

2 A. We did.

3 Q. And the next person after
4 that is a Robert Angelrolla, I think is
5 the name.

6 A. I don't know him, so we'll
7 go with you.

8 Q. You see that?

9 A. Yes, I do see it.

10 Q. And Mr. Angerolla, that is
11 an attorney who worked for Johnson &
12 Johnson, correct?

13 MR. SNAPP: Object to the
14 form. Scope.

15 THE WITNESS: I don't know
16 that.

17 As I indicated, I don't know
18 who that person is. But it does
19 appear from the title that he was
20 an attorney.

21 BY MR. CRUEGER:

22 Q. And then the consultant at
23 the bottom is Russel Portnoy, correct?

24 A. Yes, sir. Excuse me.

1 Yes, sir.

2 Q. And that's a doctor that
3 Purdue had provided financial support to,
4 correct?

5 A. Yes, sir.

6 Q. Another name on here is
7 Richard Payne.

8 Do you see that?

9 A. I do.

10 Q. And did Richard Payne have
11 any ties to Purdue?

12 MR. SNAPP: Objection.
13 Scope.

14 THE WITNESS: I don't know
15 the answer to that.

16 BY MR. CRUEGER:

17 Q. How about Dr. Carr, do you
18 know if he has any ties to Purdue?

19 A. I don't know whether he has
20 ties to Purdue or not.

21 Q. And I'm just looking at your
22 Exhibit-12.

23 So the guidelines are
24 approved, if you see at the bottom of

1 that, in 1996, correct?

2 A. Yes, sir.

3 Q. And the copyright date on
4 this Exhibit-13 is 1997, correct?

5 A. Yes, sir.

6 Q. And if you look at your
7 Exhibit-12, by 1996, Purdue had provided
8 \$29,600 in funding to the American
9 Academy of Pain Medicine, correct?

10 A. Yes, sir.

11 Q. And then it provided funding
12 to the American Academy of Pain Medicine
13 every year until 2018, correct?

14 A. Yes, sir.

15 Q. And the same with the
16 American Pain Society, it had provided,
17 in 1997, \$48,501 in funding, correct?

18 A. Yes, sir.

19 Q. And then it provided funding
20 every year to the American Pain Society
21 through 2018, correct?

22 A. Yes, sir.

23 Q. And some of those years,
24 such as 2002, 2003, 2004, were

1 substantial amounts of money, correct?

2 MR. SNAPP: Object to the
3 form.

4 THE WITNESS: Those were
5 larger contributions than prior
6 years, yes, sir.

7 BY MR. CRUEGER:

8 Q. So is it true that -- well,
9 Purdue's payments to the American Academy
10 of Medicine and the American Pain Society
11 were a quid pro quo for the creation of
12 these 1997 consensus statements?

13 MR. SNAPP: Object to the
14 form.

15 THE WITNESS: No, I don't
16 believe so.

17 BY MR. CRUEGER:

18 Q. And isn't it true -- well,
19 strike that.

20 Wouldn't you agree that
21 Purdue then used this 1997 consensus
22 statement to expand the market and sell
23 more opioids?

24 MR. SNAPP: Object to the

1 form. Scope.

2 THE WITNESS: I do think
3 that Purdue agreed with the
4 document.

5 And while I'm not familiar
6 with the marketing or sales plans,
7 I'm sure that we distributed this
8 to clinicians.

9 BY MR. CRUEGER:

10 Q. And you distributed it to
11 clinicians using the mail and -- correct?

12 MR. SNAPP: Object to the
13 form. And scope.

14 THE WITNESS: Again, I'm
15 not -- I'm not familiar with
16 marketing and sales plans. So I
17 don't know exactly how they may
18 have done that.

19 BY MR. CRUEGER:

20 Q. And Purdue wouldn't have
21 funded -- well, let me strike that.

22 Purdue wouldn't have
23 provided funds to the American Academy of
24 Pain Medicine if it didn't agree with the

1 message in this 1997 consensus statement,
2 correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: I think with
6 any of these organizations, again,
7 they operate within the
8 therapeutic area where we were
9 providing medications.

10 We probably didn't always
11 agree with all of their
12 statements. But, broadly, they
13 were organizations that were
14 important because these were the
15 specialists in this therapeutic
16 category.

17 BY MR. CRUEGER:

18 Q. And as we saw at the back of
19 Page -- of Exhibit-13, Page 4, you had
20 ties -- Purdue had ties with at least two
21 of these people, Dr. Haddox and David
22 Jarensen, at the Pain and Policy Studies
23 Group, correct?

24 MR. SNAPP: Object to the

1 form.

2 THE WITNESS: Sure. We know
3 both of those.

4 And David Haddox, I don't
5 believe, at this time, worked for
6 the company; but, ultimately, did
7 work for the company.

8 BY MR. CRUEGER:

9 Q. Within two years, basically?
10 Two or three years, correct?

11 A. Yeah, I think that's right.

12 Q. And if you look at your
13 Exhibit-12, in 1997, when these came out,
14 Purdue had provided \$75,000 of financial
15 support to the Pain and Policy Studies
16 Group, correct?

17 MR. SNAPP: Object to the
18 form.

19 THE WITNESS: Yes, sir.

20 BY MR. CRUEGER:

21 Q. So let's look at Exhibit-14.

22 - - -

23 (Whereupon, Purdue-Must
24 Exhibit-14, Joint Commission on

1 Accreditation of Healthcare
2 Organization's Pain Standards for
3 2001, was marked for
4 identification.)

5 - - -

6 BY MR. CRUEGER:

7 Q. So this is a document
8 published by the Joint Commission on the
9 Accreditation of Healthcare
10 Organizations, correct?

11 A. Yes, sir.

12 Q. So instead of that long
13 title, can we agree just to call it
14 either the Joint Commission or JCAHO?

15 A. Yes, sir.

16 Q. Okay. And these
17 standards -- well, let's see, these
18 standards are about the treatment of
19 pain, correct?

20 A. That's correct.

21 Q. And they originally were
22 made public in 2000, correct?

23 A. Well, the document says it's
24 standards for 2001. So I assume they

1 were developed in 2000 and made available
2 in 2001.

3 Q. And the Joint Commission is
4 an important entity because it provides
5 accreditation to hospitals, correct?

6 A. Yes, it does.

7 Q. And so the hospitals, if
8 they want to receive that accreditation,
9 they have to follow these standards for
10 pain, correct?

11 A. That's my understanding.

12 Q. And if you look at your
13 Exhibit-12, the Joint Commission is on
14 the first page. It's close to the
15 bottom, JCAHO.

16 Do you see that?

17 A. I do.

18 Q. So in 2000, Purdue had
19 provided \$560,000 of financial support to
20 the Joint Commission, correct?

21 A. Yes, sir.

22 Q. And then in 2001, which is
23 the date of Exhibit-14, Purdue had
24 provided \$981,358 in financial support to

1 the Joint Commission, correct?

2 A. Yes, sir.

3 Q. And then in 2002, Purdue had
4 provided \$582,649 of financial support to
5 the Joint Commission, correct?

6 A. Yes, sir.

7 Q. So Purdue -- and then Purdue
8 thereafter doesn't provide any more
9 financial support to the Joint
10 Commission, does it?

11 A. That is correct.

12 Q. So Purdue started giving
13 money to the Joint Commission in 2000,
14 when it was presumably drafting and
15 formulating the guidelines, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: Yes, sir.

19 BY MR. CRUEGER:

20 Q. And it stopped giving money
21 to the Joint Commission in -- after 2002,
22 after the Joint Commission had published
23 these guidelines on the treatment of
24 pain, correct?

1 A. It appears that way, yes,
2 sir.

3 Q. And Purdue is providing
4 financial support to the Joint Commission
5 because it wanted to use these guidelines
6 to sell opioids, correct?

7 MR. SNAPP: Object to the
8 form.

9 THE WITNESS: My
10 understanding is that Purdue
11 provided funding to the Joint
12 Commission on Accreditation of
13 Healthcare Organizations, or
14 JCAHO, to distribute these
15 guidelines, once they were
16 developed by JCAHO, to healthcare
17 facilities.

18 BY MR. CRUEGER:

19 Q. And that's so that Purdue
20 could sell more OxyContin, correct?

21 MR. SNAPP: Object to the
22 form. Scope.

23 THE WITNESS: I think it was
24 to make healthcare professionals

1 and facilities aware of the need
2 to treat pain appropriately.

3 BY MR. CRUEGER:

4 Q. Let's look at Exhibit-15.

5 - - -

6 (Whereupon, Purdue-Must
7 Exhibit-15, PDD8801183361-364, was
8 marked for identification.)

9 - - -

10 BY MR. CRUEGER:

11 Q. Like all these -- it's a
12 series of e-mails that Purdue has
13 produced.

14 Like all these documents for
15 e-mails, you kind of have to start at the
16 back.

17 A. Okay.

18 Q. And the original e-mail is
19 from Kathy Walsh, and it's sent on
20 December 27th, 2000 to a number of
21 people, and it includes a number of
22 people with the name Sackler, does it
23 not?

24 A. It does.

1 Q. So there's a Beverly
2 Sackler, a Kathy Sackler, Dr. Mortimer
3 Sackler, Dr. Raymond Sackler, Dr. Richard
4 Sackler, correct?

5 A. Yes, sir.

6 Q. Were all these people
7 sitting on the Purdue board of directors
8 at this time?

9 MR. SNAPP: Object to form.
10 Scope.

11 THE WITNESS: I can't be
12 certain of that.

13 BY MR. CRUEGER:

14 Q. Did they all sit on the
15 board of directors at one time?

16 MR. SNAPP: Objection.
17 Scope.

18 THE WITNESS: Again, I don't
19 have the knowledge of exactly who
20 is or isn't on the board, or was
21 or wasn't on the board.

22 BY MR. CRUEGER:

23 Q. Well, we already know that
24 Richard Sackler was on the board, Dr.

1 Richard Sackler, correct?

2 MR. SNAPP: Objection.

3 Scope.

4 THE WITNESS: He was on the
5 board, yes, sir.

6 BY MR. CRUEGER:

7 Q. So -- and so this e-mail,
8 the subject is, Press coverage of JCAHO
9 pain guidelines.

10 And we don't have to read --
11 so what this e-mail is just doing is
12 forwarding two articles about -- that
13 happened to mention hospitals
14 implementing the JCAHO guidelines,
15 correct?

16 A. Yes, it appears that way.

17 Q. And so the next e-mail,
18 which is on the page with -- I guess the
19 second-to-last page, so with the Bates
20 number ending 63.

21 A. Yes.

22 Q. It's from Mortimer Junior
23 Sackler?

24 Do you see that? It's sent

1 to --

2 A. I do.

3 Q. -- what appears to be all
4 the people who were on the original
5 e-mail, correct?

6 A. Yes, sir.

7 Q. And he's talking about how
8 they need to get more articles that are
9 positive, like the articles that were
10 attached, to counteract negative
11 attention, correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: That's what he
15 appears to be saying in this
16 document.

17 BY MR. CRUEGER:

18 Q. And he's talking about --
19 he's asking what can Purdue do to get --
20 what can Purdue do to get more positive
21 media about the JCAHO guidelines,
22 correct?

23 A. Yes. He appears to be
24 commenting on this article and looking to

1 identify if there's other things that can
2 be done.

3 Q. And he's also commenting on
4 whether the information would be better
5 if it came from Purdue or from the
6 American Pain Foundation, correct?

7 A. Yes, he does make a comment
8 in this e-mail on that.

9 Q. And that's part of Purdue's
10 strategy, to make it look like favorable
11 information about the guidelines comes
12 from what people believe is an
13 independent source like the American Pain
14 Foundation, correct?

15 MR. SNAPP: Object to the
16 form.

17 THE WITNESS: I can't speak
18 to what his strategy or his
19 thinking was.

20 But they are talking about,
21 in this -- at least in this
22 e-mail, where the information
23 should come from.

24 BY MR. CRUEGER:

1 Q. And they're doing this, Mr.
2 Sackler and all the other people who are
3 included in this e-mail, because Purdue
4 wants to use the JCAHO guidelines to sell
5 more OxyContin, correct?

6 MR. SNAPP: Object to the
7 form. Scope.

8 THE WITNESS: Well, again, I
9 think Purdue definitely wanted to
10 distribute the JCAHO guidelines to
11 make sure that organizations,
12 institutions and healthcare
13 professionals were aware of the
14 JCAHO standards.

15 BY MR. CRUEGER:

16 Q. Because that would help
17 Purdue sell more OxyContin, correct?

18 MR. SNAPP: Object to the
19 form. Scope.

20 THE WITNESS: I believe it
21 would be to help raise awareness
22 around untreated or undertreated
23 pain and the fact that JCAHO
24 wanted it now to be considered as

1 part of standard treatment in
2 institutions.

3 BY MR. CRUEGER:

4 Q. Right. Well, Purdue gave --
5 provided a little over \$2 million to
6 JCAHO.

7 So it expected some sort of
8 return on that investment, correct?

9 MR. SNAPP: Object to the
10 form.

11 THE WITNESS: I think it
12 agreed with the findings of JCAHO
13 and wanted to make sure that that
14 message was received.

15 BY MR. CRUEGER:

16 Q. And if you look to the next
17 e-mail up, which is from Robin Hogan.

18 A. Yes, sir.

19 Q. And this is to a more
20 discrete group of people. It's to
21 Mortimer Sackler, Junior, Michael
22 Freedman, Dr. Richard Sackler, and Dr.
23 Mortimer Sackler, correct?

24 A. Yes, sir.

1 Q. And if you look at the
2 second paragraph, Mr. Hogan writes, With
3 respect to generating more articles about
4 pain guidelines, we loaned JCAHO our PR
5 firm, FleishmanHillard, last year during
6 the national rollout of the new
7 standards.

8 So Purdue was trying to --
9 again, this is more evidence that Purdue
10 is using the JCAHO standards to sell
11 opioids, correct?

12 MR. SNAPP: Object to the
13 form. Scope.

14 THE WITNESS: It appears
15 that Robin Hogan is indicating
16 that FleishmanHillard helped JCAHO
17 to get their messages out, yes,
18 sir.

19 BY MR. CRUEGER:

20 Q. So it was -- it sounds like,
21 you can read this e-mail -- strike that.

22 You can read this e-mail --
23 strike that.

24 So Purdue was coordinating

1 its efforts with JCAHO through Purdue's
2 PR firm, FleishmanHillard, correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: Well, it
6 appears from this e-mail that they
7 certainly were providing
8 FleishmanHillard to assist JCAHO
9 in their PR issues.

10 BY MR. CRUEGER:

11 Q. Actually, I was wrong on one
12 thing.

13 If you go back to Exhibit-18
14 quickly, it's going to be in that stack I
15 earlier told you that you could set
16 aside.

17 A. I'll find it.

18 Q. So in Exhibit-18, if you go
19 to what I tabbed as 1 in the PowerPoint.

20 A. Yes, sir.

21 Q. And the title of that
22 PowerPoint is, Steps to Implement JCAHO
23 Standard, Gate Fold?

24 A. Yes, sir.

1 MR. SNAPP: Chuck, mine is
2 not tabbed. Can you wait one
3 second until I get there? Sorry.

4 MR. CRUEGER: Sure.

5 MR. SNAPP: Okay. Go ahead.
6 Thank you.

7 BY MR. CRUEGER:

8 Q. And it says there, Selling
9 messages, correct?

10 A. Correct.

11 Q. So this is an example of
12 Purdue using the JCAHO standards to sell
13 more OxyContin, correct?

14 MR. SNAPP: Object to the
15 form.

16 THE WITNESS: Well, again,
17 while I'm not an expert on the
18 sales and marketing plans, looking
19 at this, I see it has a lit code,
20 which indicates that sales
21 representatives are able to order
22 various pamphlets or materials
23 that they can use when they are
24 out communicating with healthcare

1 professionals.

2 And it appears that the
3 JCAHO standards are one of the
4 things that they can use -- or are
5 available for them to use in their
6 conversations with healthcare
7 professionals.

8 BY MR. CRUEGER:

9 Q. So the answer would be, yes,
10 that Purdue is using the JCAHO standards
11 to sell more opioids, correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: It appears to
15 me that Purdue is making the JCAHO
16 standards available for the sales
17 force to be able to use in
18 conversations with healthcare
19 professionals.

20 BY MR. CRUEGER:

21 Q. And you would agree,
22 wouldn't you, Mr. Must, that the reason
23 Purdue is providing over \$2 million of
24 financial support to distribute the JCAHO

1 standards is because it wants to expand
2 the market for opioids?

3 MR. SNAPP: Object to the
4 form. Scope.

5 THE WITNESS: Again, I'm not
6 familiar with their marketing and
7 sales plans. But, certainly, they
8 want to make healthcare
9 professionals aware of the JCAHO
10 standards.

11 MR. CRUEGER: Let's go to
12 Exhibit-16.

13 - - -

14 (Whereupon, Purdue-Must
15 Exhibit-16, No Bates, Model
16 Policy for the Use of Controlled
17 Substances for the Treatment of
18 Pain, Federation of State
19 Medical Boards of the United
20 States, Inc., was marked for
21 identification.)

22 - - -

23 BY MR. CRUEGER:

24 Q. So this is a document put

1 out by the Federation of State Medical
2 Boards, correct?

3 A. Yes, sir.

4 MR. SNAPP: Object to the
5 form.

6 Chuck, this one and 14,
7 neither of them have Bates numbers
8 on them. Are they something that
9 was produced in the litigation?

10 MR. CRUEGER: I think
11 they're just publicly available
12 standards.

13 MR. SNAPP: This one looks
14 like it was printed from a
15 website. I'm looking at Number
16 14. It looks like it was printed
17 from a website on December 18th of
18 2001. So I'm guessing that's not
19 publicly available.

20 If it was produced, can you
21 let us know what the Bates number
22 was?

23 MR. CRUEGER: Sure.

24 MR. SNAPP: People on the

1 phone might want to know also so
2 they can follow along.

3 Thanks.

4 BY MR. CRUEGER:

5 Q. And this is The Model Policy
6 for the Use of Controlled Substances For
7 the Treatment of Pain, correct?

8 A. That is the title of this
9 document, yes, sir.

10 Q. And as reflected in your
11 Exhibit-12, Purdue provides substantial
12 financial support to the Federation of
13 State Medical Boards, correct?

14 A. I'm sorry, in what year?

15 Q. Well, between -- according
16 to your Exhibit-12, starting in 1999 and
17 going through 2007, Purdue provided
18 substantial financial support to the
19 Federation of State Medical Boards,
20 correct?

21 A. Yes, sir.

22 Q. And other organizations did
23 as well, correct?

24 MR. SNAPP: Object to the

1 form. Scope.

2 BY MR. CRUEGER:

3 Q. Actually, let's just go to
4 the introduction in the first paragraph,
5 the last sentence lists some entities.

6 A. Yes, sir.

7 Q. So it says, The Federation
8 thanks the Robert Wood Johnson Foundation
9 for awarding a grant to support the
10 original project.

11 So the Robert Wood Johnson
12 Foundation supported -- or provided
13 financial support for these standards,
14 correct?

15 A. According to this document,
16 yes, sir.

17 Q. And it also lists the
18 American Academy of Pain Medicine,
19 correct?

20 A. Yes, sir.

21 Q. And that's an entity that
22 Purdue also provides -- provided
23 substantial financial support to?

24 A. We did provide financial

1 support to the American Academy of Pain
2 Medicine.

3 Q. And the next one is the
4 American Pain Society, correct?

5 A. Yes, sir.

6 Q. And Purdue also provided
7 substantial financial support to the
8 American Pain Society?

9 A. Yes, sir.

10 Q. And the other one is the
11 University of Wisconsin Pain and Policy
12 Studies Group.

13 Do you see that?

14 A. I do.

15 Q. And Purdue also provided
16 substantial financial support to the Pain
17 and Policy Studies Group, correct?

18 A. Yes, we have provided
19 financial support to that organization.

20 Q. And just -- if you see the
21 last paragraph, it just says, The revised
22 policy notes.

23 A. Yes.

24 Q. So, The revised policy notes

1 that the State Medical Board will
2 consider inappropriate treatment,
3 including the undertreatment of pain, a
4 departure from an acceptable standard of
5 practice, correct?

6 A. That is what it says in that
7 paragraph, yes, sir.

8 Q. So this model policy is
9 establishing a standard of care for the
10 treatment of pain, correct?

11 MR. SNAPP: Object to the
12 form. Scope.

13 THE WITNESS: It's providing
14 model guidelines, yes.

15 BY MR. CRUEGER:

16 Q. And Purdue was providing
17 financial support to the Federation of
18 State Medical Boards, and the other
19 entities that were supporting this
20 project, because it wanted to use this
21 policy to expand the market for opioids,
22 correct?

23 MR. SNAPP: Object to the
24 form.

1 THE WITNESS: I think that
2 all those organizations are
3 organizations that are active in
4 the therapeutic area of pain
5 management. And so we have
6 supported those various
7 organizations that you identified
8 at some level.

9 And this Federation of State
10 Medical Boards guideline also is
11 addressing pain management, and we
12 are working with them in support
13 of the work that they are doing.

14 BY MR. CRUEGER:

15 Q. Because -- you're providing
16 all this financial support because it
17 would help produce business, correct?

18 MR. SNAPP: Object to the
19 form.

20 THE WITNESS: We are
21 providing it because it is the
22 therapeutic area in which we are
23 working. And so all
24 organizations -- or the majority

1 of organizations that are involved
2 in patients or treatment in that
3 space, we would want to be working
4 with.

5 BY MR. CRUEGER:

6 Q. Because you have a direct
7 financial interest -- let me rephrase
8 that.

9 Because Purdue has a direct
10 financial interest in expanding the
11 market for prescription opioids, correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: We do want to
15 make sure that patients are
16 treated appropriately. And if
17 that expands the market and we're
18 selling in that market, then, yes,
19 we potentially would make money in
20 that area.

21 BY MR. CRUEGER:

22 Q. And if you look at
23 Exhibit-17, it's the next exhibit in the
24 stack.

— — —

(Whereupon, Purdue-Must

Exhibit-17, PPLP003477086-125, was marked for identification.)

marked for identification.)

— — —

BY MR. CRUEGER:

Q. Do you have it in front of you, Mr. Must?

you, Mr. Must?

A. I do.

Q. So this is a Purdue document, correct?

document, correct?

A. I'm not familiar with it,
but --

but --

MR. SNAPP: Can he have a minute to look through it, Chuck?

minute to look through it, Chuck?

MR. CRUEGER: Sure.

MR. SNAPP: Thanks.

THE WITNESS: Okay.

So your question was, is

this a Purdue document?

BY MR. CRUEGER:

Q. Yes.

A. It is, yes.

Q. And it's about -- the

1 document concerns approving a grant
2 request, right?

3 A. It is the system that we use
4 for approving grant requests, yes, sir.

5 Q. Right. And it's a little
6 hard to see in this document, but the top
7 title -- the top of the document, there's
8 a box that says, Grant Title. It's
9 Federation of State Medical Boards,
10 Responsible Opioid Prescribing, a
11 Physician Guide, correct?

12 A. Yes, sir.

13 Q. And the sponsor is Dr.
14 Haddox.

15 Do you see that? It's kind
16 of on the left.

17 A. I see it now, yes. Thank
18 you.

19 Q. And two boxes above that,
20 the detail notes, it says, 100,000 ED
21 grant.

22 I assume that's educational
23 grant?

24 A. That would be my assumption

1 as well.

2 Q. And the grant is to support
3 the purchase and distribution of Scott
4 Fishman book to 700,000 MDs.

5 Correct?

6 A. That is -- it appears --
7 yes, I think that's true.

8 Q. And Scott Fishman is a
9 doctor that Purdue has provided financial
10 support to, correct?

11 It's on --

12 A. Yes.

13 Q. -- your Exhibit-12.

14 A. Yes, yes.

15 Q. If you look at -- the last
16 three of the Bates number at the bottom
17 are 111, let's start -- the e-mail spills
18 into the next page.

19 But it's from Pamela
20 Bennett?

21 A. Yes, sir.

22 Q. And if you go on to the next
23 page, the second paragraph says,
24 Originally FSMB was not going to approach

1 Purdue because of our recent legal
2 issues.

3 A. Yes.

4 Q. Do you know what she's
5 referring to as the "recent legal
6 issues"?

7 A. I was just going to turn
8 over to see what year it was.

9 So this is, I assume, the
10 Western District of Virginia issue.

11 Q. So that's when Purdue pled
12 guilty to felony misbranding of
13 OxyContin, correct?

14 MR. SNAPP: Object to the
15 form. Scope.

16 THE WITNESS: That would be
17 that timeline.

18 BY MR. CRUEGER:

19 Q. So she goes on to say, But
20 they have decided that since Purdue
21 funded the initial work -- and that's
22 referring to Mr. Fishman's book, correct?

23 MR. SNAPP: Object to the
24 form.

1 THE WITNESS: That's -- that
2 would be the way I would
3 understand that.

4 BY MR. CRUEGER:

5 Q. So that the FSMB would make
6 the request.

7 And it says, FSMB is
8 limiting the number of pharma funders to
9 those they currently have on board. So
10 Alpharma, Endo and Cephalon and Purdue,
11 if we choose to participate, and each
12 company has provided \$100,000
13 unrestricted grant.

14 And that's the grant request
15 they are making to Purdue, correct?

16 A. It appears that way, yes,
17 sir.

18 Q. And if you go back to the
19 page that's labeled 111, and it's the
20 e-mail right above Ms. Bennett's from
21 Howard Udell.

22 A. Yes, sir.

23 Q. And Mr. Udell writes that,
24 While \$100,000 is a lot of money, I feel

1 we should do it and be a part of the
2 company's funding this. I'd hate to see
3 Alharma, Endo, Cephalon and a fourth
4 company do this and our name be missing.

5 So that's correct?

6 A. Yes, sir.

7 Q. And Alharma, Endo and
8 Cephalon, those are competitors of
9 Purdue, correct?

10 A. They are other companies in
11 the -- that manufacture opioids, yes,
12 sir.

13 Q. You would consider them to
14 be competitors, correct?

15 MR. SNAPP: Object to the
16 form.

17 THE WITNESS: Again, they
18 are companies that manufacture
19 other opioids in the space.

20 BY MR. CRUEGER:

21 Q. But they're not out there --
22 Alharma, Endo, and Cephalon are not out
23 there promoting OxyContin use, are they?

24 A. They are not promoting

1 OxyContin, no.

2 Q. They are promoting their own
3 branded opioid drug, correct?

4 A. That would be accurate, yes.

5 MR. SNAPP: Object to the
6 form. Scope.

7 MR. SMITH: Object to the
8 form.

9 BY MR. CRUEGER:

10 Q. And so the reason Purdue and
11 these four other -- these three other
12 companies -- strike that. I'll start
13 over.

14 The reason Purdue and these
15 three other companies are funding the
16 FSMB and Mr. Fishman's book is because
17 they want to use it to expand the market
18 and sell more opioids, correct?

19 MR. SNAPP: Object to the
20 form. Scope.

21 MR. SMITH: Object to form.

22 THE WITNESS: I think that
23 they want to make sure that
24 there's information out there that

1 helps to provide direction on
2 appropriate prescribing of
3 medications for chronic pain.

4 BY MR. CRUEGER:

5 Q. But the goal is to sell more
6 opioids, correct?

7 MR. SNAPP: Object to the
8 form.

9 MR. SMITH: Object to form.

10 MR. SNAPP: Scope.

11 THE WITNESS: Again, my
12 understanding is that we would be
13 doing it to support appropriate
14 prescribing of pain products.

15 BY MR. CRUEGER:

16 Q. But your company, Purdue,
17 does not make money just by the
18 appropriate prescribing of pain products,
19 as you put it, correct?

20 It makes money by selling
21 opioids?

22 MR. SNAPP: Object to the
23 form.

24 THE WITNESS: Purdue does

1 make money selling opioids, yes.

2 BY MR. CRUEGER:

3 Q. So Purdue and its
4 competitors, these three other companies,
5 are paying \$100,000 each because they
6 expect to sell more opioids by
7 distributing Mr. Fishman's book, right?

8 MR. SNAPP: Object to the
9 form. And scope.

10 THE WITNESS: Well, it's
11 also important to make sure that
12 prescribers are prescribing
13 appropriately so that you don't
14 end up with some of the challenges
15 that the companies could face, or
16 have faced.

17 BY MR. CRUEGER:

18 Q. So is it your testimony that
19 there's no expectation that they would
20 sell more opioids by funding this book?

21 MR. SNAPP: Object to the
22 form.

23 MR. SMITH: Object to form.

24 THE WITNESS: I don't know

1 whether their intent of sponsoring
2 this is to make more money or not.

3 Mr. Udell was the chief
4 legal officer. So I don't know
5 whether he would be making sales
6 and marketing decisions.

7 BY MR. CRUEGER:

8 Q. But he seems to be involved
9 in them right here, does he not?

10 A. In this particular e-mail,
11 he's giving his opinion that he believes
12 that we should support this initiative,
13 yes.

14 Q. By the way, Mr. Udell also
15 pled guilty to felony misbranding as part
16 of that legal issue, as Ms. Bennett puts
17 it, right?

18 MR. SNAPP: Object to the
19 form. Scope.

20 THE WITNESS: Yes, he did.

21 BY MR. CRUEGER:

22 Q. You can put that down.

23 So just so we have a clear
24 record while we're talking to you.

1 Purdue is a private company,
2 right?

3 A. Yes, sir.

4 Q. It has a board of directors?

5 A. It does.

6 Q. What role does the board of
7 directors play in the operation of the
8 company?

9 MR. SNAPP: Objection.

10 Beyond the scope.

11 How does this fit within the
12 scope, Chuck? He's not here to
13 talk about that.

14 MR. CRUEGER: You can make
15 your objection, and then he can
16 answer.

17 MR. SNAPP: Well, okay, it's
18 your time.

19 Go ahead. You can answer if
20 you know the answer.

21 THE WITNESS: I'm not
22 intimately aware of the actions of
23 the board.

24 BY MR. CRUEGER:

1 Q. Were meeting minutes taken
2 of board of director meetings?

3 A. Yes.

4 Q. Do you know if they were
5 recorded at all, the meetings?

6 MR. SNAPP: Objection.

7 Beyond the scope.

8 THE WITNESS: Recorded
9 beyond written notes?

10 BY MR. CRUEGER:

11 Q. Yes. I did phrase that
12 badly.

13 Beyond meeting minutes, as
14 we said, are there audio or visual
15 recordings of board of director meetings?

16 MR. SNAPP: Objection.
17 Scope.

18 THE WITNESS: Again, I'm not
19 intimately involved with board
20 meetings. But I believe the
21 answer is no.

22 BY MR. CRUEGER:

23 Q. You have attended board
24 meetings, have you not?

1 A. I have attended a few board
2 meetings over my 18 years with the
3 company.

4 Q. Yeah. You've been there for
5 18 years?

6 A. Right.

7 Q. So you have an idea of what
8 role the board of directors plays in
9 running Purdue?

10 A. I have a --

11 MR. SNAPP: Object to the
12 form. And scope.

13 THE WITNESS: I have a very
14 limited knowledge of what the
15 board of directors does or doesn't
16 do, because I'm not in attendance
17 at the vast majority of board
18 meetings, nor am I provided
19 personally with minutes from board
20 meetings.

21 BY MR. CRUEGER:

22 Q. So I'll give you what we
23 labeled as Exhibit-19.

24 - - -

1 (Whereupon, Purdue-Must
2 Exhibit-19, PPLP004406095-192, was
3 marked for identification.)

4 - - -

5 BY MR. CRUEGER:

6 Q. Now, let's just be clear,
7 Mr. Must, that you're here on Topic 22,
8 correct?

9 A. Yes, sir.

10 MR. SNAPP: Just to be
11 clear, he's here on one subpart of
12 Topic 22.

13 MR. CRUEGER: That's your
14 objection.

15 BY MR. CRUEGER:

16 Q. But that's what you were
17 designated for?

18 MR. SNAPP: I'm sorry?

19 MR. CRUEGER: That's your
20 objection.

21 MR. SNAPP: No, it's not an
22 objection. It's a clarification
23 for the record.

24 And we informed you back in

1 November that he was designated on
2 only one subpart of Topic 22.

3 MR. CRUEGER: That's fine.

4 MR. SNAPP: I just want the
5 record to be clear. He's only
6 here on that one subpart, and not
7 all of it.

8 BY MR. CRUEGER:

9 Q. So if you look at
10 Exhibit-19, this is a presentation to the
11 board of directors, is it not?

12 A. That's what the title
13 suggests, yes, sir.

14 Q. And as reflected in your
15 Exhibit-12, the last page, that lists off
16 people that Purdue has provided financial
17 support to?

18 A. Yes, sir.

19 Q. So many are not -- all of
20 these people were paid to be speakers,
21 correct?

22 MR. SNAPP: Object to the
23 form.

24 THE WITNESS: I think some

1 of these people were provided
2 funding for speaking as well as
3 consulting and, as we indicated
4 before, in some cases, clinical
5 research.

6 BY MR. CRUEGER:

7 Q. And Purdue would provide
8 that financial support for speaking in
9 order to expand the market for opioids,
10 correct?

11 MR. SNAPP: Object to the
12 form.

13 THE WITNESS: I don't know
14 the specific speaking items that
15 each of these individuals spoke
16 on. But I do know that they would
17 frequently speak on matters around
18 education, on prescribing of our
19 products at -- in a variety of
20 different forums.

21 BY MR. CRUEGER:

22 Q. And the reason Purdue would
23 provide the financial support for those
24 speaking opportunities is to either

1 generate or increase demand for its
2 opioid products, correct?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: Again, I don't
6 know the specific details of what
7 they spoke on.

8 But, oftentimes, they were
9 educational in nature and may be
10 talking about how to appropriately
11 prescribe our product.

12 BY MR. CRUEGER:

13 Q. So if you look at what ends
14 at page Bates number 111 in Exhibit-19.

15 A. Yes, sir.

16 Q. So the third bullet point
17 is, We believe -- well, just to make sure
18 we're on the same line.

19 It says, Forecast conclusion
20 at the top?

21 A. Yes, sir.

22 Q. So the third bullet point
23 is, We believe that our sales
24 representatives, speakers programs, and

1 other activities will maintain demand
2 during the second half of 2011.

3 Correct?

4 MR. SNAPP: Objection.

5 Scope.

6 THE WITNESS: That is what
7 the document says, yes, sir.

8 BY MR. CRUEGER:

9 Q. So going back to the
10 original question, the question I was
11 just asking you before was, Purdue would
12 provide the financial support for these
13 doctors to go out and speak in the
14 expectation that it would at least
15 maintain demand --

16 MR. SNAPP: Object to the
17 form.

18 BY MR. CRUEGER:

19 Q. -- for OxyContin, correct?

20 MR. SNAPP: Object to the
21 form. And scope.

22 THE WITNESS: Again, I know
23 that these speakers went out and
24 spoke. I don't know the specifics

1 of what their presentations were.

2 But in many cases, they were
3 speaking on education on
4 prescribing of our products.

5 BY MR. CRUEGER:

6 Q. But this Exhibit-19, which
7 is a document presented to the board of
8 directors, that's the expectation that's
9 reflected on the page we were looking at,
10 correct?

11 MR. SNAPP: Object to the
12 form. And scope.

13 THE WITNESS: That's what
14 this specific document says.

15 MR. CRUEGER: One more
16 across the table.

17 - - -

18 (Whereupon, Purdue-Must
19 Exhibit-20, SFC00013064-066, was
20 marked for identification.)

21 - - -

22 BY MR. CRUEGER:

23 Q. Exhibit-20 is an e-mail
24 between various Purdue people, it looks

1 like, from Pamela Bennett, correct?

2 A. Yes, sir.

3 Q. You actually are on this
4 e-mail, if you look at -- on the first
5 page of Exhibit-20, in the "to" line,
6 you're kind of the second-to-last line.

7 There you are, Alan Must,
8 correct?

9 A. Yes, sir.

10 Q. And this is -- this e-mail
11 from Pamela Bennett -- and it's talking
12 about next week advisory committee
13 meetings.

14 An advisory committee
15 meeting, that's an FDA meeting, correct?

16 A. That is correct.

17 Q. And what she's writing here
18 is -- a person she refers to as she, is
19 confirmed to speak on both days and will
20 provide the same info on both days.

21 I'm on Page 65. Sorry, it
22 ends. Just under the box that's
23 redacted.

24 A. Yes, sir.

1 Q. So, again, so Ms. Bennett
2 writes, She is confirmed to speak on both
3 days and will provide the same info on
4 both days. She will have copies of their
5 materials for distribution.

6 And then she goes on -- Ms.
7 Bennett goes on to say there's a small
8 working group, PPSG, which is the Pain
9 and Policy Studies Group, I assume,
10 ACS -- do you know what ACS is?

11 A. I can guess. My guess would
12 be the American Cancer Society.

13 Q. The next one is the American
14 Pain Foundation, correct?

15 A. That would be my assumption.

16 Q. And then Scott Fishman,
17 correct?

18 A. Yes, sir.

19 Q. So she says, There's a small
20 working group -- and then she names those
21 entities -- who have been working
22 together to ensure consistent and
23 coordinated messaging, correct?

24 A. Yes, sir.

1 Q. And all these entities and
2 this person she names are entities that
3 provide -- that Purdue -- sorry, I'm
4 going to strike that.

5 All these three entities and
6 the person, Dr. Fishman, that she names
7 are the three entities and a doctor that
8 Purdue provides financial support to,
9 correct?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: Yeah, I think
13 all those organizations work in
14 the therapeutic area of pain
15 management and have received
16 funding from Purdue.

17 BY MR. CRUEGER:

18 Q. And that's really the whole
19 point of all this money that Purdue is
20 providing to these organizations and
21 these doctors, is to ensure consistent
22 and coordinated messaging about opioid
23 prescribing so that you can expand the
24 market for opioids, correct?

1 MR. SNAPP: Object to the
2 form.

3 THE WITNESS: Well, at least
4 if we're referring to this
5 document, it looks like these
6 individuals are working together
7 to ensure consistent and
8 coordinated messaging.

9 I don't see that it says
10 that Purdue is doing that.

11 BY MR. CRUEGER:

12 Q. But they are all entities
13 that you are -- that Purdue is providing
14 financial support to, correct?

15 A. They are all organizations
16 that we have provided funding to at some
17 point, yes.

18 MR. SNAPP: Object to the
19 form.

20 BY MR. CRUEGER:

21 Q. And somehow they are all
22 working together to ensure consistent and
23 coordinated messaging, correct?

24 MR. SNAPP: Object to the

1 form.

2 THE WITNESS: That's what
3 this e-mail suggests.

4 MR. CRUEGER: Let's just
5 take a break.

6 MR. SNAPP: Okay.

7 VIDEO TECHNICIAN: The time
8 is 11:21 a.m. Going off the
9 record.

10 - - -

11 (Whereupon, a brief recess
12 was taken.)

13 - - -

14 VIDEO TECHNICIAN: We are
15 back on the record. The time is
16 11:38 a.m.

17 BY MR. CRUEGER:

18 Q. I want to go to Exhibit-1,
19 which is the notice.

20 MR. SNAPP: Can I help?

21 MR. CRUEGER: It's the
22 notice of deposition.

23 THE WITNESS: There we go.

24 BY MR. CRUEGER:

1 Q. You might as well keep that
2 and the Exhibit-12 that you brought with
3 you in front of you.

4 So if you go to Topic 11, I
5 just want to quickly go over a few of the
6 entities that we haven't really yet
7 talked about today.

8 Topic 11, not Exhibit-11.

9 A. All right. Yes, sir.

10 Q. So we'll start with the
11 American Geriatrics Society.

12 What's Purdue's relationship
13 with that entity?

14 A. So I think that Purdue has
15 funded -- has provided funding for the
16 American Geriatrics Society.

17 Q. And why has Purdue provided
18 that funding to them?

19 A. Again, I think the American
20 Geriatrics Society was involved and is
21 involved, or at least has been involved,
22 in appropriate pain treatment for
23 geriatric populations.

24 Q. The American Chronic Pain

1 Association is listed here.

2 What's Purdue's relationship
3 with the American Chronic Pain
4 Association?

5 A. Again, Purdue has funded --
6 has provided funding to the American
7 Chronic Pain Association over the years
8 because they are involved in this
9 therapeutic area and deal with
10 appropriate pain treatment for patients.

11 Q. Is there a point of contact
12 at Purdue who deals with, to keep the
13 example of the American Chronic Pain
14 Association?

15 A. If you're asking about that
16 today, I think the answer is no.

17 But if you're asking during
18 this period of time, I think Pamela
19 Bennett was responsible for maintaining
20 contact with many of the patient advocacy
21 and professional associations.

22 Q. So the next one is the
23 American Society of Pain Educators.

24 What is Purdue's

1 relationship with the American Society of
2 Pain Educators?

3 A. So, again, I think the
4 American Society of Pain Educators is an
5 organization that provided education in
6 the form of -- I think they had some
7 meetings where they dealt with
8 appropriate pain treatment and educating
9 healthcare professionals and caregivers
10 on pain management issues.

11 Q. And, again, Pamela Bennett,
12 would she have been the main contact at
13 Purdue?

14 A. So the Society of Pain
15 Educators -- for lack of knowing the
16 specifics, I would say yes.

17 Q. How about, there's the
18 National Pain Foundation, what is
19 Purdue's relationship with the National
20 Pain Foundation?

21 A. Again, it's another
22 organization that advocated on behalf of
23 pain patients, and we did provide funding
24 for them as well.

1 Q. And then if you turn the
2 page, on Page 8, there is the American
3 Society of Pain Management Nursing.

4 What is Purdue's
5 relationship with the American Society of
6 Pain Management Nursing?

7 A. We did provide funding for
8 that organization as well, I believe.

9 Yes, we did provide funding
10 to them over the years, because they
11 represent nurses who are -- who
12 specialize in pain management.

13 Q. And these entities that we
14 just listed off -- by the way, the
15 American Geriatrics Society, starting at
16 D, and then the American Society of Pain
17 Management Nursing --

18 A. Yes.

19 Q. -- do they also participate
20 in the Pain Care Forum?

21 A. Again, I don't -- I don't
22 know all the current members of the Pain
23 Care Forum. I can't answer that
24 specifically.

1 Q. And then there's the
2 American Academy -- sorry, the Academy of
3 Integrative Pain Management.

4 What is Purdue's
5 relationship with that entity?

6 A. Again, the Academy of
7 Integrative Pain Management, we have
8 provided funding to them. They have an
9 annual seminar that they put on, the
10 Academy -- which we have provided funding
11 for.

12 They are -- as they say in
13 their name, they are an organization that
14 provides continuing medical education for
15 pain management prescribers, but also
16 look at all integrative pain, so all
17 types of pain therapies.

18 Q. Who at Purdue was the
19 contact person for that entity?

20 A. Again, that would have
21 probably been Pamela Bennett during this
22 time period.

23 Q. The U.S. Pain Foundation,
24 what is Purdue's relationship with that

1 entity?

2 A. The U.S. Pain Foundation is
3 an organization that represents pain
4 patients. And we have provided them
5 financial support over this period of
6 time.

7 Q. And who is the contact at
8 Purdue for the U.S. Pain Foundation?

9 A. Again, it would have been
10 Pam Bennett during this time period.

11 Q. And the next one is the
12 Cancer Action Network.

13 What is Purdue's
14 relationship with that entity?

15 A. The Cancer Action Network is
16 the arm of the American Cancer Society
17 that deals with the public policy. And
18 we have provided funding for them -- I
19 believe we provided funding for them over
20 the years.

21 Let me just verify.

22 Yes. We have provided them
23 with some funding over the years.

24 Q. And who would have been the

1 contact person at Purdue, or who is?

2 A. Again, I think Pam Bennett
3 would have been the primary contact.

4 Q. The Washington Legal
5 Foundation, what is Purdue's relationship
6 with the Washington Legal Foundation?

7 A. Washington Legal Foundation
8 is a think tank that is Washington, D.C.
9 based. They provide opinions on various
10 public policy matters. We have provided
11 them funding over the years.

12 Q. Well, you've provided --
13 Purdue has provided a substantial amount
14 of funding to the Washington Legal
15 Foundation over the years, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: We have
19 provided them funding for almost
20 every year since 1997 to 2016.

21 BY MR. CRUEGER:

22 Q. That's over \$1 million in
23 funding, correct?

24 MR. SNAPP: Object to the

1 form.

2 THE WITNESS: I haven't
3 added it up, but that may be
4 accurate.

5 BY MR. CRUEGER:

6 Q. And the Washington Legal
7 Foundation, one of the things they do is
8 they bring lawsuits, correct?

9 MR. SNAPP: Object to the
10 form.

11 THE WITNESS: I'm not
12 certain of everything the
13 Washington Legal Foundation does.
14 That may be one of the things that
15 they do.

16 But I know that they also
17 write position papers on various
18 legal issues.

19 BY MR. CRUEGER:

20 Q. So the Washington Legal
21 Foundation are active in challenging
22 prescribing guidelines, is that --

23 A. So my knowledge of the
24 Washington Legal Foundation, as applies

1 to any federal agency guidelines, was
2 that the Washington Legal Foundation was
3 out in opposition of the process that was
4 used to develop guidelines, not
5 necessarily the content of the
6 guidelines.

7 Q. And Purdue is -- let's take
8 the example of the CDC's guidelines,
9 okay?

10 A. Yes, sir.

11 Q. So the Washington Legal
12 Foundation is -- is or is thinking of
13 challenging the process that the CDC used
14 to promulgate those guidelines?

15 MR. SNAPP: Object to the
16 form.

17 THE WITNESS: I think, at
18 the time of the CDC guidelines,
19 the Washington Legal Foundation
20 did come out with some position
21 papers on -- well, a position.
22 I'm not sure if they published a
23 paper on concern about the process
24 that was used for the CDC

1 guidelines.

2 BY MR. CRUEGER:

3 Q. And that was approximately
4 2016 when the CDC guidelines came out,
5 correct?

6 A. I think you're right. I
7 think that's when the initial guidelines
8 came out, yes.

9 Q. And that's when Purdue
10 provided \$200,000 of financial support to
11 the Washington Legal Foundation, correct?

12 A. Yes, sir. In 2016, Purdue
13 provided a \$200,000 contribution to the
14 Washington Legal Foundation.

15 Q. And that was to support
16 their challenge to the process by which
17 the CDC guidelines were promulgated,
18 correct?

19 MR. SNAPP: Object to the
20 form.

21 THE WITNESS: No. We
22 provide general support to the
23 Washington Legal Foundation, not
24 on any specific activity they

1 might take on.

2 BY MR. CRUEGER:

3 Q. But you will agree, won't
4 you, Mr. Must, that there is a -- the
5 same year that the CDC guidelines come
6 out is the same year that Purdue provides
7 the most funding it has ever provided to
8 the Washington Legal Foundation?

9 A. That is accurate. I just
10 don't know when in the year the
11 contribution was made and when in the
12 year the CDC guidelines came out.

13 And I don't personally know
14 of any connection to the two.

15 Q. There's documents, we should
16 be able to figure that out, correct, like
17 when the money was provided to the
18 Washington Legal Foundation in 2016?

19 MR. SNAPP: Object to form.

20 THE WITNESS: I'm sure there
21 are.

22 But I also know that any
23 contributions made to the Legal --
24 the Washington Legal Foundation

1 were for their work more broadly,
2 not for any specific initiative.

3 BY MR. CRUEGER:

4 Q. And then there's the Center
5 for Practical Bioethics.

6 What is Purdue's
7 relationship with the Center for
8 Practical Bioethics?

9 A. So Purdue did, in fact,
10 provide funding to the Center for
11 Practical Bioethics starting around the
12 year 2000, ending with small
13 contributions in 2016.

14 Q. And it provided roughly, it
15 looks like, over -- either close to \$4
16 million or at least over \$3 million to
17 the Center for Practical Bioethics,
18 correct?

19 A. That's probably about right,
20 yes, sir.

21 Q. And what did Purdue
22 expect -- well, why did Purdue provide
23 that much funding to the Center for
24 Practical Bioethics?

1 A. I can't say in total. But I
2 do know that there was ultimately a \$1
3 million grant that was provided, and it
4 may have been a multi-year contribution,
5 for a pain chair -- a sustainable pain
6 chair for the Center for Practical
7 Bioethics.

8 Q. And what does that mean? Is
9 that a -- what is a pain chair at the
10 Center for Practical Bioethics?

11 A. My understanding was that it
12 put a sustaining position within the
13 Center for Practical Bioethics, that they
14 could fund somebody to continue to look
15 at issues surrounding pain management or
16 pain treatment for the center.

17 Q. And that would be an
18 advocacy position, to advocate for pain
19 treatment and prescribing?

20 A. I don't --

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: I can't say
24 specifically whether it was an

1 advocacy position or an
2 educational position.

3 BY MR. CRUEGER:

4 Q. If you look further down at
5 Topic 11 on Page 8 of the notice, one of
6 the people that we asked about was Dr.
7 Haddox, correct?

8 A. Yes, sir.

9 Q. But you did not look to see
10 if Purdue had paid any money to Dr.
11 Haddox prior to him becoming an employee?

12 A. I did not look at that, no.

13 Q. If you look at Topic 20,
14 which is on Page -- the bottom of Page 11
15 of the notice, Exhibit-1.

16 A. Yes, sir.

17 Q. It asks for your -- it asks
18 about Purdue's membership and
19 participation in three different
20 entities.

21 One of them is PhRMA, the
22 Pharmaceutical Research and Manufacturers
23 Association.

24 Do you see that?

1 A. I do.

2 Q. According to the spreadsheet
3 you produced, Exhibit-12, starting in
4 2002, Purdue has been making financial
5 contributions to PhRMA, correct?

6 A. Yes, sir.

7 Q. Would you agree with me as
8 characterizing the contributions as
9 substantial?

10 A. I would.

11 Q. What is Purdue's role with
12 PhRMA?

13 A. So Purdue is a member
14 company of the trade association PhRMA
15 that represents America's biotechnical
16 industry, specifically those companies
17 that make new and innovative products.

18 Q. Does anyone at Purdue sit on
19 the board of directors of PhRMA?

20 A. Our CEO, Craig Landau, does
21 sit on the board of PhRMA; as do, I
22 believe, the CEOs of every member
23 company.

24 Q. And PhRMA, they are a

1 lobbyist in Washington, D.C., correct?

2 MR. SNAPP: Object to the
3 form.

4 THE WITNESS: One of the
5 things that PhRMA does is lobby on
6 behalf of the pharmaceutical
7 industry, yes.

8 BY MR. CRUEGER:

9 Q. And they are a -- I guess we
10 could say -- would you agree that we
11 could call it that PhRMA is a powerful
12 lobbyist in Washington, D.C.?

13 MR. SNAPP: Object to the
14 form.

15 THE WITNESS: It's hard for
16 me to define "powerful," but PhRMA
17 is a presence in Washington, D.C.,
18 yes.

19 BY MR. CRUEGER:

20 Q. And do you have -- do you
21 communicate with PhRMA about opioids and
22 opioid products?

23 A. So PhRMA as a trade
24 association represents industry-wide

1 issues. PhRMA, by policy, won't take on
2 a company-specific issue.

3 So PhRMA does not -- would
4 not go out and take any action on
5 OxyContin. But PhRMA has put out a
6 position paper on opioids, broadly on the
7 things that the trade association
8 supports as part of the opioid crisis.

9 So member companies that had
10 an interest in that were able to develop
11 or help to develop the PhRMA position on
12 that.

13 Q. And by sitting on the board,
14 Purdue would have influence on what
15 issues that PhRMA pursues, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: So as it
19 applies to PhRMA, Purdue is a
20 fairly small company. But every
21 board member, by definition, gets
22 a vote.

23 But the board doesn't take
24 on -- the board, more broadly,

1 does not take on specific issues.

2 BY MR. CRUEGER:

3 Q. So you know how the board of
4 directors works in PhRMA?

5 MR. SNAPP: Object to the
6 form.

7 THE WITNESS: Well, the
8 board of director meetings at
9 PhRMA have an open policy for
10 member companies. And we do have
11 somebody who attends the PhRMA
12 meetings.

13 If your CEO is not able to
14 attend in person, you can have
15 somebody who is nonvoting go in
16 and listen to the meeting so that
17 they can come back and report
18 what's going on.

19 But PhRMA -- as I said
20 earlier, PhRMA doesn't work on
21 company-specific issues.

22 BY MR. CRUEGER:

23 Q. And, also -- so the other
24 entity that I'd like to talk to you a

1 little about is the National Association
2 of Chain Drug Stores.

3 What is Purdue's
4 relationship with the National
5 Association of Chain Drug Stores?

6 A. So the National Association
7 of Chain Drug Stores, NACDS, represents
8 the large pharmacy retailers across the
9 country. And we have worked with them
10 over the years on a variety of different
11 initiatives.

12 When we started to see our
13 product being stolen or seeing pharmacies
14 robbed or burglarized to get our product,
15 we worked closely with NACDS to put
16 together programs and protocols and ideas
17 on how to help their pharmacists to
18 protect themselves from being robbed or
19 burglarized, and also how to better
20 identify, as a witness, if something like
21 that would happen.

22 We also utilized an
23 organization, or a group, that we
24 established within Purdue called the LELE

1 group, law enforcement liaisons.

2 And those LELE groups, who
3 were made up of former DEA or state
4 regulators or inspectors, would go out
5 and do educational programs at NACDS
6 meetings to make them aware of some of
7 the ways to protect themselves, or some
8 of the issues that they may not be aware
9 of as it applied to pharmacy robberies.

10 Those are some of the things
11 that I know that we did with NACDS.

12 Q. And according to your
13 Exhibit 12 that you brought, Purdue has
14 provided some financial support to the
15 NACDS, correct?

16 A. Yes, sir.

17 Q. Would you agree it's
18 substantially less financial support than
19 Purdue has provided to PhRMA, correct?

20 A. Definitely.

21 Q. Let's just talk about Topic
22 24.

23 It's asking about,
24 basically, Purdue's lobbying and/or

1 government affairs activities, about the
2 design, approval and implementation of
3 Medicare prescription drug benefit
4 program Part D.

5 So Medicare Part D went into
6 effect in 2006, correct?

7 A. Yes, sir.

8 Q. And the law helps Medicare
9 beneficiaries pay for prescription drugs,
10 correct?

11 A. Yes.

12 Q. And you would agree it would
13 be beneficial to Purdue if Medicare would
14 pay for OxyContin, for example, correct?

15 MR. SNAPP: Object to the
16 form.

17 THE WITNESS: Yes, sir.

18 BY MR. CRUEGER:

19 Q. Did Purdue -- well, what --
20 what lobbying activities did Purdue
21 engage in to influence Medicare Part D
22 before it was passed?

23 A. Based on all the documents
24 that we reviewed in preparation for the

1 deposition today, and my communications
2 with our federal government group, I
3 believe we had -- we had no lobbying
4 activity as it related to CMS and the
5 Part D implementation.

6 - - -

7 (Whereupon, Purdue-Must
8 Exhibit-21, PPLPC019001224346-347,
9 was marked for identification.)

10 - - -

11 BY MR. CRUEGER:

12 Q. I'll hand you what we
13 labeled as Exhibit-21.

14 Before I ask you anything
15 about this e-mail, I'm just wondering,
16 Topic 23 talks about lobbying activities
17 related to the Medicare Modernization Act
18 of 2003.

19 Can you tell me what type of
20 activities -- strike that -- what type of
21 lobbying activities Purdue engaged in as
22 it relates to the Medicare Modernization
23 Act of 2003?

24 A. Right. Again, based on my

1 review of documents and in conversations
2 with our federal government affairs
3 folks, it's my understanding that we did
4 no lobbying on the Medicare Modernization
5 Act of 2003.

6 Q. So if you just turn quickly
7 to Exhibit-21.

8 A. Yes, sir.

9 Q. This is an e-mail that
10 Purdue produced from Cindy Steinberg.

11 A. Okay.

12 Q. And it went to one of the
13 people on there, and the cc is Burt
14 Rosen.

15 Do you see that?

16 A. I do.

17 Q. So -- and he's the
18 government affairs -- he works on the
19 federal side for lobbying, correct?

20 A. He is the vice president of
21 federal government affairs, correct.

22 Q. And can you just read the
23 text of the letter?

24 A. Starting with --

1 Q. You don't have to read it
2 out loud. To yourself.

3 A. Oh, okay.
4 Okay.

5 Q. Now, Cindy Steinberg, she
6 doesn't work for Purdue, does she?

7 A. She does not.

8 Q. She works for some third
9 party, correct?

10 A. She is a pain advocate out
11 of Massachusetts.

12 Q. So -- and she is, clearly
13 here, she's doing some sort of advocacy
14 as it relates to Medicare and a national
15 pain strategy, correct?

16 MR. SNAPP: Object to the
17 form.

18 THE WITNESS: That's what
19 the document appears to be saying,
20 yes, sir.

21 BY MR. CRUEGER:

22 Q. So did Purdue -- you said
23 Purdue didn't do any lobbying on the
24 Medicare or Medicare Part D.

1 Did Purdue coordinate with
2 any third parties to lobby about Medicare
3 or Medicare Part D?

4 MR. SNAPP: Object to the
5 form. And also object as beyond
6 scope.

7 THE WITNESS: Well, it
8 appears to me that Burt is
9 getting -- is part of the
10 distribution to identify what
11 she's doing, but I don't know
12 whether he did anything as it
13 applies to this.

14 In fact, I don't believe
15 that he did do anything on this.

16 BY MR. CRUEGER:

17 Q. So what I'm asking is, would
18 Purdue -- what I'm asking is, did Purdue
19 go out and work with, say, one of these
20 third parties that it had provided
21 funding to and have those third parties
22 lobby Medicare and Medicare Part D?

23 MR. SNAPP: Objection.
24 Beyond the scope. And form.

1 THE WITNESS: Based on my
2 knowledge, I don't believe that we
3 did.

4 BY MR. CRUEGER:

5 Q. And if you see Ms.
6 Steinberg's letter, it said -- the second
7 sentence is, If you recall in June --
8 Do you see where I am?

9 A. Yes, sir.

10 Q. She writes, -- myself and
11 Kate Strauser did a letter to the
12 committee's working group raising chronic
13 pain as an important comorbid and costly
14 chronic condition disproportionately
15 affecting the Medicare population.

16 And you were a signatory to
17 that letter.

18 Do you see where that is?

19 A. I do see that.

20 Q. So am I right that Purdue
21 was a signatory to that, right?

22 MR. SNAPP: Object to the
23 form. Scope.

24 THE WITNESS: I would have

1 to see the letter. So I don't
2 know.

3 BY MR. CRUEGER:

4 Q. When you talked to -- did
5 you talk to -- I assume, you said you
6 talked to your government affairs, the
7 person, that would be Burt Rosen, about
8 any lobbying efforts for Medicare or
9 Medicare Part D?

10 A. Correct.

11 Q. Did you talk to him about
12 any efforts that were coordinated through
13 the Pain Care Forum?

14 A. We did not talk about the
15 Pain Care Forum.

16 Q. If you can turn to Topic 37.
17 It talks about your
18 coordination or communications with any
19 defendants in this action, and it lists a
20 bunch of topics.

21 A. I'm sorry?

22 Q. I just wanted to make
23 sure --

24 A. Thank you.

1 Q. Are you prepared to talk
2 today about Purdue's coordination with
3 other defendants in this action about the
4 sale of opioids?

5 A. I can potentially answer
6 specific questions if you have them, but
7 I don't know what that means exactly.

8 Q. Let's put it this way: Did
9 you work with -- did Purdue work with
10 Endo to coordinate -- let me strike that.

11 Did Purdue work with Endo to
12 expand the market for opioids?

13 MR. SNAPP: Object to the
14 form.

15 MR. SMITH: Object to form.

16 THE WITNESS: If you're
17 asking me from a government
18 affairs perspective, we don't
19 market with Endo.

20 I'm not really sure how to
21 answer that question. I
22 apologize.

23 BY MR. CRUEGER:

24 Q. Well, we see different

1 efforts, as we've talked about today,
2 about putting up promotional materials,
3 the JCAHO, the American Pain Foundation,
4 pain care brochure, these different
5 things --

6 A. Right.

7 Q. -- that Purdue sponsored.

8 And those -- I've asked you
9 before if those were done to expand the
10 market for opioids prescribing.

11 A. Right.

12 Q. So apart from branded, did
13 you do any unbranded -- what you call
14 unbranded types of advertising or
15 unbranded types of marketing with Endo,
16 for example, to expand the market for
17 opioids?

18 MR. SNAPP: Object to the
19 form.

20 MR. SMITH: Object to form.

21 THE WITNESS: Again, I
22 don't -- I'm not aware of working
23 with Endo to expand the opioid
24 market, if that's the question.

1 But I'm not sure if I'm
2 answering your question or not.

3 BY MR. CRUEGER:

4 Q. How about lobbying, did you
5 work with any of the defendants, did you
6 coordinate -- or work with any of them on
7 any of the -- your lobbying activities on
8 the state level?

9 A. Are you talking about those
10 companies that are listed on 38?

11 Q. I'm just talking about
12 any -- the defendants in this action,
13 such as Endo; Janssen; J&J; Mallinckrodt;
14 Cardinal; AmerisourceBergen; Teva, which
15 is Cephalon; Allergan, which is Kadian;
16 and McKesson?

17 A. So we have worked on some
18 pieces of legislation with some of those
19 organizations, yes.

20 If you want an example, we
21 worked with several of those
22 organizations to try to get opioid
23 legislation passed that would allow for
24 opioids that had abuse-deterrent

1 properties to be more widely used to try
2 to address the opioid crisis.

3 And we did work with them to
4 have that done at the state level.

5 Q. Did you work with any of
6 these entities on prescribing guidelines
7 for opioids?

8 A. At the federal or state
9 level?

10 Q. At the federal or state
11 level.

12 A. I believe at the federal
13 level the answer is no.

14 At the state level, for the
15 most part, we didn't get -- we monitored
16 activities around opioid prescribing
17 guidelines. Only occasionally did we
18 ever weigh in, and sometimes it was at
19 the request of patient groups.

20 Q. And -- well, let's just use
21 the Washington state opioid prescribing
22 guidelines.

23 You're familiar with those,
24 correct?

1 A. Okay. I am.

2 Q. And you also sat on a
3 committee that I know by the acronym of
4 CEAC. I forget the name of it.

5 What is the name of it?

6 A. Right. The Communications
7 and External Affairs Committee.

8 Q. And in those committee
9 meeting minutes, you would discuss the
10 Washington state prescribing guidelines,
11 correct?

12 A. Probably. I'm not looking
13 at the minutes, but I would think that we
14 probably did.

15 Q. And also you would talk
16 about activities that were being
17 coordinated through the Pain Care Forum
18 to oppose the Washington state
19 guidelines, correct?

20 MR. SNAPP: Object to the
21 form.

22 THE WITNESS: The Pain Care
23 Forum was very involved in the
24 Washington state guidelines, yes.

1 BY MR. CRUEGER:

2 Q. And it was very involved in
3 opposing the Washington state guidelines,
4 correct?

5 MR. SNAPP: Form.

6 THE WITNESS: It had a
7 position of opposition on the
8 guidelines, yes.

9 BY MR. CRUEGER:

10 Q. And Purdue was a member of
11 the Pain Care Forum, correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: So the --
15 again, I'm not the expert on the
16 Pain Care Forum.

17 But my understanding is
18 those organizations who wanted to
19 take a position or wanted to be
20 involved in some initiative could
21 do so. The Pain Care Forum, as
22 the Pain Care Forum, didn't take
23 positions.

24 But I think your question

1 initially was about APF, was that
2 right? Or did I misunderstand?

3 BY MR. CRUEGER:

4 Q. No. We're talking about the
5 Washington state guidelines, just using
6 that as the example.

7 But what you would -- you
8 would use the Pain Care Forum to
9 coordinate positions by the members who
10 wished to participate in that activity,
11 correct?

12 MR. SNAPP: Object to the
13 form.

14 THE WITNESS: So I may have
15 not answered the question that you
16 asked me.

17 I thought you asked me about
18 the American Pain Foundation.

19 BY MR. CRUEGER:

20 Q. No. I'm talking about the
21 Pain Care Forum, the Pain Care Forum and
22 the Washington state guidelines.

23 A. So some members of the Pain
24 Care Forum were opposed to the Washington

1 state guidelines, yes.

2 Q. And Purdue was one of the
3 members who was opposed to the Washington
4 state guidelines, correct?

5 A. We were a member of the Pain
6 Care Forum. I don't know whether Burt
7 specifically was involved in any type of
8 Washington state specifically identified
9 group.

10 Q. But in principle, Purdue was
11 opposed to the Washington state
12 guidelines, correct?

13 MR. SNAPP: Object to the
14 form.

15 THE WITNESS: Well, the
16 issue with the Washington
17 guidelines came more from advocacy
18 organizations and patient
19 organizations than it did from
20 manufacturers, at their request.

21 Because starting in 2003,
22 when the government got involved
23 in putting together guidelines for
24 the treatment of pain within their

1 Medicaid department, they limited
2 access for opioids to only
3 methadone and morphine.

4 And I think 2000 -- I want
5 to say it was 2012, it might have
6 been later, two Seattle Times
7 reporters won a Pulitzer prize
8 because they investigated the fact
9 that they were actually --
10 Medicaid was actually killing
11 patients as opposed to treating
12 them, by forcing physicians to use
13 methadone for pain.

14 And that's what they were
15 afraid of, was that the government
16 was, once again, going to step in
17 and start to mandate or limit
18 clinical appropriateness of
19 prescribing. And that's why the
20 Pain Foundation was so involved
21 working that initiative, from my
22 understanding and my memory.

23 BY MR. CRUEGER:

24 Q. But that's a long way of

1 saying that Purdue did not support the
2 Washington state prescribing guidelines?

3 MR. SNAPP: Object to the
4 form.

5 THE WITNESS: Well, we did
6 not support the guidelines.

7 BY MR. CRUEGER:

8 Q. And Purdue didn't advocate
9 for other states to follow the Washington
10 state guidelines, did it?

11 A. We did not.

12 MR. CRUEGER: So, one, could
13 we mark the documents that you
14 brought as exhibits? We already
15 have the spreadsheet as
16 Exhibit-12.

17 I think you said you have a
18 resume.

19 MR. SNAPP: Here it is.

20 Do you want to state it for
21 the record, and we can mark them
22 when we're done?

23 MR. CRUEGER: Sure.

24 MR. SNAPP: I'm sorry, hang

1 on. We'll get it over there.

2 MR. CRUEGER: I'm going to
3 mark just for the record as
4 Exhibit-22, the document that
5 says -- that's titled Alan Must
6 30(b)(6) Topics 11, 20, 22, 23, 24
7 and 37.

8 - - -

9 (Whereupon, Purdue-Must
10 Exhibit-22, No Bates, Alan Must
11 30(b)(6) Topics 11, 20, 22, 23, 24
12 and 37, was marked for
13 identification.)

14 - - -

15 MR. CRUEGER: And then
16 Exhibit-23 will be your resume,
17 the resume of Alan Must.

18 - - -

19 (Whereupon, Purdue-Must
20 Exhibit-23, Curriculum Vitae of
21 Alan Must, was marked for
22 identification.)

23 - - -

24 BY MR. CRUEGER:

1 Q. So what else can you tell me
2 about Purdue's work with any of these
3 other defendants that we've been talking
4 about, Endo, Janssen, Mallinckrodt,
5 Cardinal, McKesson, AmerisourceBergen?

6 MR. SNAPP: Objection.

7 BY MR. CRUEGER:

8 Q. Did Purdue work with them in
9 any -- to fund any of these groups that
10 we've been talking about today, the
11 American Academy of Pain Medicine, and
12 the other groups that were listed in
13 Topic 11?

14 MR. SNAPP: Object to the
15 form.

16 MR. SMITH: Object to form.

17 THE WITNESS: We did not
18 work with them to provide -- any
19 other organizations to provide
20 financial support for any of those
21 organizations, no.

22 BY MR. CRUEGER:

23 Q. Did you ever talk with any
24 of these other defendants about providing

1 financial support to these organizations?

2 MR. SNAPP: Object to the
3 form.

4 MR. SMITH: Object to form.

5 THE WITNESS: No. We
6 wouldn't -- that's -- no, that's
7 not something that I recall ever
8 doing.

9 BY MR. CRUEGER:

10 Q. Were you involved in any
11 decisions to provide financial support to
12 any of these organizations listed in
13 Topic 11?

14 A. So within Purdue, as it
15 applies to grants to organizations, we
16 had two grant committees; one was
17 healthcare-related grants and one was
18 nonhealthcare-related grants.

19 So anything that dealt with
20 healthcare professionals, patients,
21 organizations that represented them,
22 pharmacists, that all went to a separate
23 organization called the
24 healthcare-related grant committee.

1 So I did sit on the
2 nonhealthcare-related grant committee,
3 but none of those kinds of contributions
4 came to that group. None of the
5 organizations that you have listed here
6 came to the group that I was part of the
7 grant committee.

8 Q. Okay. That makes it more
9 clear.

10 Another question I had is,
11 does anyone at Purdue, did they sit on a
12 board of directors for any of these
13 organizations that were listed in Topic
14 11?

15 A. I can't say for certain. I
16 believe the answer is no. But I think
17 that in some cases, some organizations
18 may have, like, a corporate counsel where
19 members of companies are updated on what
20 the organizations are doing and so forth.
21 But they are not actively involved in the
22 direction of the organization.

23 Q. Would Purdue track that
24 information, if someone was involved in

1 the, let's say, the board of directors in
2 one of these organizations?

3 A. If we tracked it, that would
4 have fallen under the responsibility of
5 Pamela Bennett.

6 MR. CRUEGER: Okay. I have
7 no further questions.

8 MR. SNAPP: Could you tell
9 me how much time has elapsed,
10 please?

11 VIDEO TECHNICIAN: Three
12 hours.

13 MR. SNAPP: Three hours
14 exactly. Thank you.

15 VIDEO TECHNICIAN: Yes.

16 MR. SNAPP: I just have a
17 few follow-up questions. And can
18 you tell me what time it is right
19 now?

20 VIDEO TECHNICIAN: It's
21 12:23.

22 MR. SNAPP: 12:23?

23 VIDEO TECHNICIAN: Yes.

24 MR. SNAPP: Thank you.

1 - - -

2 EXAMINATION

3 - - -

4 BY MR. SNAPP:

5 Q. So, Mr. Must, I'm going to
6 try to be very efficient with my time
7 here. I'm Eric Snapp, I represent Purdue
8 in this litigation, the Purdue
9 defendants.

10 And, first of all, if we
11 could turn to Deposition Exhibit-14, this
12 is the 2001 Joint Commission on
13 Accreditation of Health Organizations'
14 pain standards that's been marked as
15 Exhibit-14.

16 Is that correct, sir?

17 A. Yes, sir.

18 Q. And during the break, did we
19 have a chance to look through this
20 document carefully and look for a
21 particular word to see if it's in there?

22 A. We did.

23 Q. What word did we look for?

24 A. We looked at the document

1 for the word "opioid."

2 Q. Does the word "opioid" or
3 "opioids" appear anywhere in this
4 document?

5 A. It does not.

6 Q. I want to turn to Deposition
7 Exhibit-5, please, sir.

8 This is a document that
9 counsel represented to you is a list of
10 transactions or contributions to the
11 American Pain Foundation for a period
12 covering the time from, it looks like,
13 2004 through 2011 -- 2012, I believe.

14 Is that right, sir?

15 A. Yes, sir.

16 Q. Now, if you look on Page 1
17 of 8, which is the page you're looking at
18 right now, partway down that page,
19 there's a company called Boston
20 Scientific.

21 Do you see that, sir?

22 A. I do.

23 Q. Did Boston Scientific make
24 contributions, according to this

1 document, to the American Pain
2 Foundation?

3 A. They did.

4 Q. What is Boston Scientific?

5 A. I believe they are a device
6 manufacturer.

7 Q. They -- just to be clear,
8 are they a medical device manufacturer?

9 A. A medical device
10 manufacturer.

11 Q. So does that company, Boston
12 Scientific, have any interest or -- I'm
13 sorry. Strike that.

14 Does Boston Scientific make
15 any opioids, to your knowledge, sir?

16 A. Not to my knowledge.

17 Q. If you turn to Page 4 of 8,
18 sir, there's a company listed on 4 and 5
19 named Medtronic.

20 A. Yes, sir.

21 Q. Is Medtronic also a medical
22 device maker?

23 A. It is.

24 Q. Did Medtronic, to your

1 knowledge, ever make any opioid analgesic
2 medications, sir?

3 A. Not to my knowledge.

4 Q. If we can turn to Deposition
5 Exhibit-3, please.

6 You were asked a number of
7 questions about this document. It's the
8 pan action guide from the American Pain
9 Foundation from 2003.

10 Is that correct, sir?

11 A. Yes, sir.

12 Q. And you were asked a number
13 of questions by counsel about the mission
14 for the American Pain Foundation.

15 Is the mission listed in the
16 upper left-hand corner of this front page
17 of Deposition Exhibit-3?

18 A. Yes, sir.

19 Q. Could you read that for us,
20 please?

21 A. Our mission is to improve
22 the quality of life for people with pain
23 by raising public awareness, providing
24 practical information, promoting research

1 on pain and advocating to remove barriers
2 and increase access to effective pain
3 management.

4 Q. Sir, if you could turn to
5 the third page, under Know the facts.

6 A. Yes, sir.

7 Q. You were asked a number of
8 questions about certain statements by the
9 American Pain Foundation related to the
10 risk of addiction.

11 Do you remember those
12 questions, sir?

13 A. I do.

14 Q. And if you look in the
15 middle of that page, on the left-hand
16 side, there's a paragraph that you were
17 pointed to, I believe during your
18 questioning earlier, and I'd like you to
19 read the third sentence, starting with,
20 Unless.

21 A. Unless you have a history of
22 substance abuse, there is little risk of
23 addiction when these medications are
24 properly prescribed by a doctor and taken

1 as directed.

2 Q. So this is saying that
3 there's little risk of addiction when the
4 medications -- they're talking about pain
5 medications -- are taken as directed and
6 properly prescribed by a physician; is
7 that correct, sir?

8 A. That's what this document
9 says, yes, sir.

10 Q. If you could turn to the
11 next page.

12 There's a section that says,
13 How can I get the best results?

14 Do you see that?

15 A. I do.

16 Q. And just as a reminder, this
17 is a document from the American Pain
18 Foundation.

19 And if you look down near
20 the bottom in the right-hand column,
21 there's a section -- a portion that
22 begins, Ask your healthcare provider
23 about nondrug, nonsurgical treatments.

24 Could you read the next

1 sentence of that, please?

2 A. These could include
3 relaxation therapy, exercise, massage,
4 acupuncture, applications of cold or
5 heat, behavioral therapy and other
6 techniques.

7 Q. So is it fair to say that
8 the American Pain Foundation was
9 providing information related to other
10 therapies and other ways to ease pain
11 other than just analgesics or pain
12 medications; is that correct, sir?

13 A. Yes, sir.

14 Q. If you turn to the next
15 page, there's a section called, How
16 should my pain be treated?

17 Do you see that?

18 A. I do.

19 Q. And under that section, the
20 first section calls -- talks about pain
21 medications.

22 Do you see that?

23 A. Yes, sir.

24 Q. And it lists acetaminophen.

1 Is that the same as Tylenol?

2 In the right-hand column.

3 A. Yes, sir.

4 Q. Under that is, Nonsteroidal
5 antiinflammatory drugs, NSAIDs.

6 Is Advil or ibuprofen an
7 example of NSAIDs?

8 A. It is.

9 Q. Turn to the next page, sir.
10 You finally get to a section
11 about opioids and strong medications --
12 are strong medications.

13 Do you see that?

14 A. I do.

15 Q. And under that, there's a
16 list of additional pain -- other pain
17 medications and then noninvasive drug
18 therapies.

19 Do you see that?

20 A. I do.

21 Q. And it talks about thermal
22 treatments, professional therapeutic
23 massage, physical therapy, chiropractic,
24 psychological counseling and cognitive

1 therapy, mind and body techniques and
2 acupuncture, along with additional, more
3 invasive pain therapies as other ways to
4 treat pain; is that correct?

5 A. Yes, sir.

6 Q. And if you look under the
7 right-hand side on the next page, there's
8 a box that says, Guidelines for taking
9 medications.

10 Do you see that, sir?

11 A. I do.

12 Q. And the third bullet --
13 third bolded point down says, Take all
14 medications as directed.

15 Is that right, sir?

16 A. Yes, sir.

17 Q. Finally -- well, let's move
18 on to Deposition Exhibit-8, please. Just
19 a few points on this one.

20 You were directed, sir,
21 to -- well, first of all, this is
22 something called a Reporter's Guide
23 Covering Pain and Its Management; is that
24 right?

1 A. Yes, sir.

2 Q. Now, you were directed,
3 during your questioning earlier, to a
4 section on Page 28 that talks about
5 adverse effects.

6 Is that right, sir?

7 A. Yes, sir.

8 Q. And you were asked whether
9 that section talks about addiction,
10 withdrawal and other issues; is that
11 right?

12 A. Yes, sir.

13 Q. Do you remember those
14 questions?

15 A. I do.

16 Q. Now, if you turn to the page
17 before that, which, presumably, someone
18 reading this document would see before it
19 actually sees what's on Page 28, there's
20 a section called, Key issues.

21 Do you see that?

22 A. I do.

23 Q. And the fourth bullet point
24 down talks about addiction, correct?

1 A. It does.

2 Q. And it says, Unless a
3 patient has a past or current personal or
4 family history of substance abuse, the
5 likelihood of addiction is low when
6 opioids are taken as prescribed and under
7 the guidance of a physician. However,
8 they have the potential for misuse, abuse
9 and diversion.

10 Did I read that correctly,
11 sir?

12 A. Yes, you did.

13 Q. And that's in the same
14 document that doesn't include that
15 information on the next page under
16 adverse effects; is that right?

17 A. Correct.

18 Q. So the next section down, or
19 the next bullet point down, talks about
20 the rising rates of prescription drug
21 abuse and emergency room admissions.

22 Do you see that?

23 A. I do.

24 Q. It says, Rising rates of

1 prescription drug abuse and emergency
2 room admissions related to prescription
3 drug abuse, as well as an increase in
4 theft and illegal resale of prescription
5 drugs, indicate that drug diversion is a
6 growing problem nationwide.

7 Did I read that correctly?

8 A. Yes, sir.

9 Q. I want you to turn, sir, to
10 Page 43 of this document, which is
11 Deposition Exhibit-8.

12 And this is listing pain
13 resources from the American Pain
14 Foundation; is that right, sir?

15 A. Yes, sir.

16 Q. And in the left-hand column,
17 there's a section, second bullet point
18 from the bottom, Top 10 tip series.

19 Do you see that? Bottom
20 left-hand corner.

21 A. Yes, sir.

22 Q. And the second bullet point
23 down, what does that say?

24 A. Exercising for pain relief.

1 Q. And the right-hand column,
2 on the same page, there's a section
3 called, Special projects and initiatives.

4 A. Right.

5 Q. Could you read the
6 second-to-last one there?

7 A. Yoga for chronic pain.

8 Q. So is it fair to say that
9 the American Pain Foundation was not
10 focused solely on analgesic pain
11 medications as therapies for pain
12 treatment?

13 A. Yes, sir.

14 Q. Let's turn to Deposition
15 Exhibit-17, please. This is our final
16 exhibit.

17 I believe you described
18 this, and I don't want to put words in
19 your mouth, but I want the record to be
20 clear, did you describe this as a grant
21 package for approval of a grant to the
22 Federation of State Medical Boards?

23 A. That's correct.

24 Q. If you turn to the page

1 ending in Bates number 7091, could you
2 tell me what that document is, sir?

3 A. This document is called a
4 letter of agreement.

5 Q. And if you turn -- if you
6 look down to numbered Paragraphs 5 and 6
7 for me, please.

8 A. Yes, sir.

9 Q. Could you tell us what those
10 paragraphs provide?

11 A. Directions to the grant
12 recipient. Number 5 -- you want me to
13 read it?

14 Q. Sure.

15 A. Number 5 says, The recipient
16 agrees to name Purdue Pharma LP as a
17 source of funding in any program material
18 and orally during the program.

19 Q. That was Paragraph 5.

20 What's Paragraph 6 say?

21 A. In advance of the program,
22 recipient agrees to disclose all relevant
23 financial relationships between any
24 faculty and commercial supporter,

1 including the name of the faculty, the
2 name of the commercial supporter and the
3 nature of the financial relationship.

4 Q. Were those provisions that
5 you just read for the record standard
6 provisions that were included in letters
7 of agreement between Purdue and other
8 companies -- or, I'm sorry, other
9 organizations that it provided funding
10 to?

11 A. They were, to my knowledge.

12 MR. SNAPP: That's all the
13 questions I have. Thank you, sir.
14 Time, please?

15 VIDEO TECHNICIAN: Three
16 hours and 12 minutes. So you used
17 up 12 minutes.

18 MR. SNAPP: Thank you.

19 MS. POLLOCK: Let's take a
20 break?

21 MR. CRUEGER: No.

22 MS. POLLOCK: Okay.

23 - - -

24 EXAMINATION

1

- - -

2 BY MR. CRUEGER:

3 Q. So, Mr. Rosen --

4 MR. SNAPP: Mr. Rosen?

5 MR. CRUEGER: Sorry, I've
6 been deposing him for too long.

7 BY MR. CRUEGER:

8 Q. Mr. Must --

9 A. Yes, sir.

10 Q. -- the American Pain
11 Foundation, Purdue paid \$3.6 million to
12 the American Pain Foundation, correct?

13 A. Yes.

14 Q. Is it your testimony today,
15 Mr. Must, that Purdue paid \$3.6 million
16 to the American Pain Foundation so they
17 could advocate yoga to treat pain?

18 MR. SNAPP: Object to the
19 form.

20 THE WITNESS: As I indicated
21 earlier, I believe that we
22 provided funding because they
23 represented pain patients, they
24 were in the therapeutic area and

1 advocated for appropriate pain
2 patient -- pain treatment as part
3 of their mission.

4 BY MR. CRUEGER:

5 Q. And I think the term that
6 you used was "mission match," correct?

7 A. Correct.

8 Q. And so the mission match in
9 this case would be the use of opioids to
10 treat pain, correct?

11 MR. SNAPP: Object to the
12 form.

13 THE WITNESS: The mission
14 match was to continue to make
15 aware appropriate pain management,
16 the need for appropriate pain
17 management broadly, not just
18 opioid treatment.

19 BY MR. CRUEGER:

20 Q. So if you can go to
21 Exhibit-3, Page 3.

22 Know the facts --

23 A. Got it.

24 Q. -- correct?

1 A. Yes.

2 Q. So I'm looking at this page,
3 this is the third page in this document.

4 Can you read for me all the
5 alternative nonopioid treatments for pain
6 that are discussed on this?

7 MR. SNAPP: Are you talking
8 about the entire document?

9 MR. CRUEGER: I'm talking
10 about this page, Know the facts,
11 pain care Bill of Rights.

12 THE WITNESS: I'm sorry, can
13 you repeat your question?

14 BY MR. CRUEGER:

15 Q. Can you please point out for
16 me on this page, just verify for me --
17 actually, strike the question.

18 On Page 3, there's no
19 discussion of alternative nonopioid-based
20 treatments for pain, correct?

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: The final
24 paragraph on the left-hand side

1 says, Nondrug therapies such as
2 relaxation training can also help
3 give you relief.

4 BY MR. CRUEGER:

5 Q. But before that, it goes for
6 pain medications, right?

7 MR. SNAPP: Object to the
8 form.

9 THE WITNESS: Correct.

10 BY MR. CRUEGER:

11 Q. And it states, Pain
12 medications rarely cause addiction,
13 correct?

14 A. That's what this document
15 says in that paragraph, yes.

16 MR. SNAPP: Object to the
17 form.

18 BY MR. CRUEGER:

19 Q. I'm going to make that
20 clear, since we have two people talking.

21 It says, the document,
22 Exhibit-3, the American Pain Foundation
23 says, Pain medications rarely cause
24 addiction, correct?

1 MR. SNAPP: Do you want to
2 read the whole paragraph?

3 MR. CRUEGER: No, I'm
4 reading that sentence.

5 MR. SNAPP: Okay.

6 THE WITNESS: Yes.

7 BY MR. CRUEGER:

8 Q. And this is a document that
9 Dr. Haddox edited, correct?

10 MR. SNAPP: Object to the
11 form.

12 THE WITNESS: I saw in an
13 e-mail earlier that Dr. Haddox
14 provided edits for the document.
15 I don't know whether they were
16 accepted or not.

17 BY MR. CRUEGER:

18 Q. But be that as it may, Dr.
19 Haddox read this document before it was
20 published, correct?

21 MR. SNAPP: Object to the
22 form.

23 THE WITNESS: That appears
24 to be accurate, yes.

1 BY MR. CRUEGER:

2 Q. And that statement, Pain
3 medications rarely cause addiction, that
4 is a false statement, is it not, sir?

5 MR. SNAPP: Object to the
6 form.

7 THE WITNESS: I don't know
8 the definition in terms of
9 "rarely."

10 MR. CRUEGER: I have no
11 further questions.

12 MR. SNAPP: Nothing further
13 here. Thank you.

14 VIDEO TECHNICIAN: This
15 marks the end of today's
16 deposition. The time is 12:39
17 p.m.

18 - - -

19 (Whereupon, the deposition
20 concluded at 12:39 p.m.)

21 - - -

22

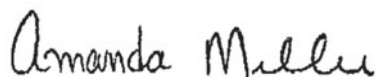
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CERTIFICATE

I HEREBY CERTIFY that the
witness was duly sworn by me and that the
deposition is a true record of the
testimony given by the witness.



Amanda Maslinsky-Miller
Certified Realtime Reporter
Dated: March 18, 2019

(The foregoing certification
of this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within thirty (30) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

Highly Confidential - Subject to Further Confidentiality Review

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			E R R A T A
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1 ACKNOWLEDGMENT OF DEPONENT

2
3 I, _____, do
4 hereby certify that I have read the
5 foregoing pages, 1 - 220, and that the
6 same is a correct transcription of the
7 answers given by me to the questions
8 therein propounded, except for the
9 corrections or changes in form or
10 substance, if any, noted in the attached
11 Errata Sheet.

12
13 _____
14 ALAN MUST

DATE

15
16 Subscribed and sworn
17 to before me this
18 _____ day of _____, 20____.

19
20 My commission expires: _____

21
22 _____
23 Notary Public
24

	LAWYER'S NOTES		
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